GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE

AJMERE CODE:

COMPRISING

THE BENGAL REGULATIONS,
THE LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL
AND THE REGULATIONS MADE UNDER THE STATUTE
33 VICTORIA, CAP. 3,
IN FORCE IN AJMERE-MERWARA;

AND

A LIST OF THE ENACTMENTS WHICH HAVE BEEN DECLARED IN FORCE IN
OR EXTENDED TO, AJMERE-MERWARA BY NOTIFICATION UNDER
THE SCHEDULED DISTRICTS ACT, 1874;

WITH

A CHRONOLOGICAL TABLE AND AN INDEX.

SECOND EDITION.

Calcutta:
OFFICE OF THE SUPERINTENDENT, GOVERNMENT PRINTING, INDIA.
1893.

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PREFACE.

THIS, the second edition of the Ajmere Code, contains (*i*) the Bengal Regulations, the Local Acts of the Governor General in Council, and the Regulations made under the Statute 33 Vict., cap. 3, in force in Ajmere-Merwara, with a Chronological Table showing all repeals and amendments affecting the province, and an Index, and (*ii*) a list of the enactments which have been declared in force in, or extended to, Ajmere-Merwara by notification under the Scheduled Districts Act, 1874.

The volume also contains Acts XXVII of 1871 and VII of 1876, relating to Criminal Tribes, which have been transferred from the volumes of "General Acts." It is considered more convenient to print in the Local Codes than with the General Acts, Acts which, like these, are really local in their operation, though containing one or two clauses of general application throughout British India.

The Acts of the Governor General in Council which apply to Ajmere-Merwara in common with the rest of British India are printed in the volumes of General Acts published, or to be published, by the Legislative Department.

2. Part I of the volume is based on Clarke's edition of the Bengal Regulations, published in 1854 under the authority of the Court of Directors of the East India Company; Parts II and III on official copies of the Acts and Regulations preserved in the Legislative Department; and the Appendix on notifications published in the Gazette of India. Though the volume cannot be described as "authoritative," its accuracy is guaranteed by the Legislative Department.

3. The following changes have been made in reprinting the Regulations and Acts :—

(*a*) repealed matter has been omitted, explanatory foot-notes being inserted (or, where this was not practicable, the repeal has been mentioned in a foot-note) ;

(*b*) amendments made by later enactments have been inserted in the text of the enactment amended, with explanatory foot-notes (or, where this was not practicable, the amendment has been mentioned in a foot-note) ;

(*c*) references to repealed enactments have been altered as directed by the enactment which effects the repeal, explanatory foot-notes being inserted;

(*d*) the number and year of enactments referred to in the text have been noted in the inner margin, except where both appear in the text;

(*e*) Arabic numerals have been substituted for the Roman numerals used in the Bengal Regulations and in the earlier Acts to denote the section-numbers ;

(*f*) section-numbers occurring in the text have been uniformly printed in figures instead of in words;

(*g*) marginal notes have in some cases been inserted, and in others revised ;

(*h*) a table of contents has in some cases been added ;

(*i*) words belonging to Oriental languages have been uniformly spelt;

(*j*) lengthy sections have in some few instances been divided into paragraphs;

(*k*) the headings to the pages have been amplified ;

(*l*) some foot-notes, in addition to those mentioned in clauses (*a*), (*b*) and (*c*) above, have been added for convenience of reference.

4. Acts IX of 1885 and II of 1887 (*amending the Sea Customs Act, 1878, the Excise Act, 1881, &c.*), though partially local in their operation, have not been printed in this volume, as they appear in the volume of General Acts for 1885-88. Similarly, Act XIII of 1890 [*Excise* (*Malt Liquors*)], though partially local in its operation, is reserved for the next volume of General Acts.

5. This volume is corrected up to the 23rd September, 1893.

F. G. WIGLEY,

Offg. Deputy Secretary to the Govt. of India,
Legislative Department.

SIMLA,
The 27th September, 1893.

CHRONOLOGICAL TABLE.

PART I.—BENGAL REGULATIONS[a] IN FORCE IN AJMERE-MERWARA.

Year.	No.	Subject.	Repeals and amendments affecting Ajmere-Merwara.	Page.
1799	V	Wills and Intestacies of Natives: ss. 4 to 6.	Rep. in part, Act XII of 1891. Amended, Ben. Reg. V of 1827; Reg. III of 1877.	1
1804	X	State Offences . .	Rep. in part, Act XVI of 1874; Act XII of 1891.	2
1806	XI	Assistance to Marching Troops and to Travellers: ss. 2 to 6, 8.	Rep. in part, Act XII of 1891. Amended, Reg. III of 1877. Supplemented, Ben. Reg. VI of 1825.	4
1810	XIX	Native Endowments; Escheats.	Rep. in part, Ben. Reg. XVII of 1816, s. 16; Act XX of 1863. Amended, Reg. III of 1874.	10
1812	XI	Removal of Foreign Emigrants.	Rep. in part, Act XVI of 1874. Amended, Reg. III of 1877.	13
1818	III	State Prisoners . .	Rep. in part, Act XVI of 1874. Amended, Act XII of 1891. Supplemented, Act XXXIV of 1850; Act III of 1858.	16
1825	VI	Assistance to Marching Troops and to Travellers.	Rep. in part, Act XII of 1876. Amended, Reg. III of 1877.	20
1827	V	Management of Estates under Attachment.	Rep. in part, Act XVI of 1874. Amended, Reg. III of 1877.	22

[a] These Regulations were declared in force by Reg. III of 1877, s. 3, printed *infra*, p. 187.

PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN AJMERE-MERWARA.

Year.	No.	Subject.	Repeals and amendments affecting Ajmere-Merwara.	Page.
1856	XX	Chaukidars	Rep. in part, Act XIV of 1870; Act X of 1872. Rep. in part and amended, Act XXII of 1871; Act XII of 1891. Rep., locally, Reg. V of 1886, s. 17 (2).	27
1867	III	Gambling . . .	Rep. in part, Act XVI of 1874. Amended, Act XII of 1891.	44
1870	XXVI	Prisons . . .	Rep. in part, Act XII of 1873; Act XVI of 1874. Rep. in part and amended, Act XII of 1891. Amended, Act XIV of 1878 [a]	53
1871	XXII	Chaukidars . . .	Rep. in part, Act XII of 1891.	65
"	XXVII	Criminal Tribes . .	Rep. in part, Act XVI of 1874; Act XII of 1876. Amended, Act VII of 1876.	67
1875	XV	Village Watchmen . .	Rep. in part, Act XII of 1891.	75
1876	VII	Criminal Tribes (amending Act XXVII of 1871).	.....	7
1878	XVII	Ferries	Rep. in part and amended, Act XII of 1891. Amended, Act III of 1886.	80
1879	XIV	Hackney-carriages . .	Rep. in part, Act XIII of 1889.	90
"	XX	Glanders and Farcy . .	Rep. in part, Act XXIV of 1886[a]; Act XII of 1891.	94
1880	XIII	Vaccination . . .	.....	97

[a] Acts XIV of 1878 and XXIV of 1886 do not apply to Ajmere-Merwara, but the amendment and repeal which they respectively effect are noted in this table and in the text for convenience.

PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN AJMERE-MERWARA—*concld.*

Year.	No.	Subject.	Repeals and amendments affecting Ajmere-Merwara.	Page.
1881	XXII	Excise	Rep. in part, Act XIII of 1889. Rep. in part and amended, Act XX of 1890 [*], s. 43. Amended, Act VI of 1885; Act IX of 1885; Act II of 1887, ss. 5 and 6. Act XVIII of 1888, [*] s. 7; Act XIII of 1890, ss. 2 to 5; Act XII of 1891; Act X of 1893.	107
1885	VI	Excise (amending Act XXII of 1881).	.....	123
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[*] Acts XX of 1890 and XVIII of 1888 do not apply to Ajmere-Merwara, but the repeal and amendments which they respectively effect are noted in this table and in the text for convenience.

PART III.—REGULATIONS MADE UNDER 33 VICT., CAP. 3, FOR AJMERE-MERWARA.

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„	IV	Taluqdars' Relief . .	.....	126
1873	VI	*Taluqdars' Succession* .	*Rep. Reg. I of 1877.*	
1874	VI	Forests . . .	.....	140
1875	I	*Courts (amending Regulation II of 1872).*	*Rep. Reg. I of 1877.*	
1877	I	Courts	Rep. in part, Act IX of 1887; Act VI of 1888, s. 9. Rep. in part and amended, Reg. IX of 1893. Amended, Reg. IX of 1890.	147
„	II	Land and Revenue . .	Rep. in part, Reg. I of 1888. Amended, Reg. IX of 1893.	160
„	III	Laws	Rep. in part, Act III of 1879; Act X of 1882; Act XII of 1882; Act XIII of 1889; Reg. IX of 1893.	186
1879	I	*Salt*	*Rep., Reg. IX of 1893.*	
1886	V	Municipalities . .	Rep. in part and amended, Reg. IX of 1893.	202
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BY ORDER OF THE LIEUTENANT GOVERNOR OF BENGAL * FORWARDED

THE AJMERE CODE.

PART I:

BENGAL REGULATIONS IN FORCE IN AJMERE-MERWARA.

BENGAL REGULATION V OF 1799. [a]

Passed on the 3rd May, 1799.

A Regulation to limit the interference of the Zila [b] Courts of Diwani Adalat [c] in the execution of wills and administration to the estates of persons dying intestate.

If there be more heirs than one to estate of intestate.

4. If there be more heirs than one to the estate of a person dying intestate, and they can agree amongst themselves in the appointment of a common manager, they are at liberty to take possession, and the Courts of Justice are restricted from interference, without a regular complaint, as in the case of a single heir;

but if the right of succession to the estate be disputed between several claimants, one or more of whom may have taken possession, the Judge, on a regular suit being preferred by the party out of possession, shall take good and sufficient security from the party or parties in possession for his or their compliance with the judgment that may be passed in the suit; or, in default of such security being given within a reasonable period, may give possession, until the suit may be determined, to the other claimant or claimants who may be able to give such security, declaring at the same time that such possession is not in any degree to affect the right of property at issue between the parties, but to be considered merely as an administration to the estate for the benefit of the heirs, who may, on investigation, be found entitled to succeed thereto.

In what cases Judge may

[d] 5. In the event of none of the claimants to the estate of a person

[a] Ss. 4, 5 and 6 of Ben. Reg. V of 1799 were declared in force in Ajmere-Merwara by Reg. III of 1877, s 3, printed *infra*, p. 187.

[b] Words repealed by Act XII of 1891 are omitted.

[c] The functions of the Court of Sadr Diwani Adalat are in Ajmere-Merwara discharged by the Chief Commissioner—see Reg. III of 1877, Second Schedule, *infra*, p. 195.

[d] S. 5 is modified by Ben. Reg. V of 1827, printed *infra*, p. 22.

appoint administrator for care and management of estate of intestate.

dying intestate being able to give the security required by the preceding section, and in all cases wherein there may be no person authorized and willing to take charge of the landed estate of a person deceased, the Judge within whose jurisdiction such estate may be situated (or in which the deceased may have resided, or the principal part of the estate may lie, in the event of its being situated within two or more jurisdictions) is authorized to appoint an administrator for the due care and management of such estate, until, in the former case, the suit depending between the several claimants shall have been determined, or, in the latter case, until the legal heir to the estate, or other person entitled to receive charge thereof as executor, administrator or otherwise, shall attend and claim the same; when, if the Judge be satisfied that the claim is well founded, or if the same be established after any enquiry that may appear necessary, the administrator appointed by the Court shall deliver over the estate to him, with a full and just account of all receipts and disbursements during the period of his administration.

Security to be taken from, and allowances paid to, administrators.

[a] 6. In all instances of an administrator being appointed under this Regulation, he is, previous to entering upon the execution of his office, to give good security for the faithful discharge of his trust in a sum proportionate to the extent thereof; and the Judge appointing him is authorized to fix for him (subject to the approbation of the Court of Sadr Diwani Adalat, [b] to whom a report is to be made in such instances) an adequate personal allowance to be paid out of the proceeds of the estate, and to be a percentage thereupon, after deducting the expenses of management.

BENGAL REGULATION X OF 1804. [c]

Passed on the 14th December, 1804.

A Regulation for declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts-martial.

Preamble.

1. WHEREAS, during wars in which the British Government has been engaged against certain of the Native Powers of India, certain persons owing

[a] S. 6 is modified by Ben. Reg. V of 1827, printed *infra*, p. 22.
[b] The functions of the Court of Sadr Diwani Adalat are in Ajmere-Merwara discharged by the Chief Commissioner—see Reg. III of 1877, Second Schedule, *infra*, p. 195.
[c] Ben. Reg. X of 1804 was declared in force in Ajmere-Merwara by Reg. III of 1877, s. 3, printed *infra*, p. 187.

allegiance to the British Government have borne arms in open hostility to the authority of the same, and have abetted and aided the enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said Government;

and whereas it may be expedient that, during the existence of any war in which the British Government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the Government, in any part of the British territories subject to the government of the Presidency of Fort William, the Governor General in Council should declare and establish martial-law within any part of the territories aforesaid, for the safety of the British possessions and for the security of the lives and property of the inhabitants thereof, by the immediate punishment of persons owing allegiance to the British Government who may be taken in arms, in open hostility to the said Government, or in the actual commission of any overt act of rebellion against the authority of the same, or in the act of openly aiding and abetting the enemies of the British Government within any part of the territories above specified;

the following Regulation has been enacted by the Governor General in Council, to be in force throughout the British territories immediately subject to the government of the Presidency of Fort William, from the date of its promulgation.

Power in time of war to suspend functions of ordinary criminal Courts, and establish martial-law;

2. The Governor General in Council is hereby [a] empowered to suspend, or to direct any public authority or officer to order the suspension of, wholly or partially, the functions of the ordinary criminal Courts of Judicature within any zila, district, city or other place, within any part of the British territories subject to the government of the Presidency of Fort William, and to establish martial-law therein, for any period of time while the British Government in India shall be engaged in war with any Native or other Power, as well as during the existence of open rebellion against the authority of the Government, in any part of the territories aforesaid;

and to direct immediate trial by courts-martial of lieges offending against Regulation.

and also to direct the immediate trial, by courts-martial, of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being residents, within its territories and under its protection, who shall be taken in arms in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said territories.

[a] Words repealed by Act XII of 1891 are omitted.

Lieges convicted by court-martial of crime specified in section 2 liable to immediate punishment of death;

3. [a] Any person born or residing under the protection of the British Government within the territories aforesaid, and consequently owing allegiance to the said Government, who, in violation of the obligations of such allegiance, shall be guilty of any of the crimes specified in the preceding section, and who shall be convicted thereof by the sentence of a court-martial, during the suspension of the functions of the ordinary Criminal Courts of Judicature and the establishment of the martial-law, shall be liable to the immediate punishment of death, and shall suffer the same accordingly, by being hung by the neck till he is dead.

and to forfeiture of property.

All persons who shall, in such cases, be adjudged by a court-martial to be guilty of any of the crimes specified in this Regulation, shall also forfeit to the British Government all property and effects, real and personal, which they shall have possessed within its territories, at the time when the crime of which they may be convicted shall have been committed.

Governor General not precluded from causing persons charged with offences to be tried by ordinary Courts.

4. The Governor General in Council shall not be precluded by this Regulation from causing persons charged with any of the offences described in the present Regulation to be brought to trial, at any time, before the ordinary Courts of Judicature,[b] instead of causing such persons to be tried by courts-martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.

BENGAL REGULATION XI OF 1806.[c]

Passed on the 3rd July, 1806.

A Regulation for facilitating the progress of detachments of troops through the Company's territories; for affording any requisite assistance to persons travelling through those territories.[d]

Notice to be given to Collectors

2. Whenever a detachment of troops, or a single corps, shall be ordered to proceed, by land or by water, through any part of the Company's territories,

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[a] Words repealed by Act XII of 1891 are omitted.

[b] Words and figures repealed by Act XVI of 1874 are omitted.

[c] Ss. 2 to 6 and s. 8 of Ben. Reg. XI of 1806 (with the exception of such part as authorizes Collectors and their Native officers, or Magistrates and their Police-officers, to give their official aid in procuring *coolies* for the purpose of facilitating the march of troops or the progress of travellers) were declared in force in Ajmere-Merwara by Reg. III of 1877, s. 3, printed *infra*, p. 187.

[d] Portion repealed by Act XII of 1891 is omitted.

the commanding officer of such detachment or corps is required to give the earliest practicable notice to the Collectors of the Revenue of the zilas through which the troops are to pass, of the probable time of their arrival within such districts respectively; together with information of the probable period of their arrival at the particular places where supplies may be required, and a specification of the supplies which will be wanted.

and Magistrates by officers commanding detachments.

The commanding officer will likewise notify to the Collectors the probable period of the arrival of the troops at the rivers or nalas intersecting their march, where boats or temporary bridges may be necessary for crossing the troops and the baggage attached to them. The commanding officer will at the same time communicate to the Magistrates of the zilas through which the troops are to pass the probable time of the arrival of the troops within their respective jurisdictions.

3. *First.*—On receiving the notification mentioned in the foregoing section, the Collector shall immediately issue the necessary orders to the landholders, farmers, tahsildars or other persons in charge of the lands through which the troops are to pass, for providing the supplies required, and for making any requisite preparations of boats or temporary bridges, or otherwise for enabling the troops to cross such rivers or nalas as may intersect their march, without any impediment or delay.

Procedure of Collector on notice.

The Collector shall at the same time depute a creditable Native officer to accompany the troops through his jurisdiction, for the purpose of aiding in procuring the necessary supplies and of facilitating the march of the troops.

It shall also be the duty of such Native officer to provide the troops with whatever bearers, *coolies*,[a] boatmen, carts and bullocks may be indispensably necessary to enable the troops to prosecute their route.

Should he experience any difficulty in the performance of this duty, he is at liberty to apply for assistance to the nearest police-officer, who is directed to afford his aid in providing the number of persons, and of carts and bullocks, required.[b]

Police to assist in providing bearers, boatmen, carts and bullocks.

Second.—The supplies furnished under the foregoing clause (including earthen pots, firewood and every article of supply) shall be paid for by the persons receiving the same at the current bazar prices of the place at which they may be provided;

Rates for supplies furnished to troops.

and all officers commanding detachments of troops or single corps march-

Commanding officers to

[a] As to coolies, see foot-note [c] on p. 4, *supra*.
[b] As to fine for disobeying requisition under s. 3, see Ben. Reg. VI of 1825, *infra*, p. 20.

inquire into, and redress, complaints against persons under their command.

ing through any part of the Company's territories are enjoined to make immediate inquiry into any complaints which may be preferred to them by the persons furnishing such supplies or in their behalf, against any person or persons under their command, and to afford such redress to the complainants as the nature of the case may appear to require.

Certificate to be granted by commanding officer when troops are provided with boats, etc.

4. *First.*—Whenever a detachment of troops or a single corps shall be provided with boats, temporary bridges or other accommodations, by any landholder, farmer, tahsildar or other person, conformably to the orders of the Collector of the zila, for the purpose of crossing the troops and their baggage over rivers or nalas, the commanding officer of such detachment or corps will grant a certificate to the person furnishing the same, specifying the number of boats and persons employed, the burthen of each boat, and how long employed on the public service.

In instances in which temporary bridges may be constructed for the above purpose, the certificate to be granted by the commanding officer is to specify, generally, the dimensions of the bridges and the materials of which they may be composed.

Certificate to be sent to Collector with account.

Second.—The certificate mentioned in the foregoing clause shall be immediately transmitted to the Collector of the zila by the person receiving it, accompanied by a detailed account of the expense incurred for the purposes therein specified.

Account to be sent by Collector to commanding officer. Endorsement by commanding officer.

The Collector shall without delay communicate the particulars of the account to the officer commanding the detachment or corps on whose account the expense may have been incurred, who shall certify generally thereon whether the services charged for in it were performed, or shall state such exceptions as he may have to offer to any of the charges.

Account and vouchers to be sent by Collector with his report to Government.

Third.—When the account above-mentioned shall be returned to the Collector, he shall certify whether the sums and rates charged in it are in his opinion reasonable and conformable to the usual rates of labour and hire in the zila; and shall transmit the account, with the vouchers and certificates relating to it, with any requisite observations thereupon, through the prescribed channel, to the Governor General in Council.[a]

After the account shall have undergone the examination and report prescribed for all military contingent charges, the Governor General in Council[a] will pass such final order as may appear proper.

Collector may

In the meantime the Collector is empowered in such cases to pay the

[a] The powers of the Governor General in Council are in Ajmere-Merwara exercised by the Chief Commissioner—see Reg. III of 1877, Second Schedule, *infra*, p. 195.

amount of the charge, or such proportion of it as he may consider reasonable, to the landholder, farmer or other person entitled thereto; inserting the amount so disbursed by him at the foot of his treasury-account, in explanation of his treasury-balance, in the mode prescribed for similar cases.

pay charge if reasonable.

5. *First.*—Whenever a proprietor, farmer, tenant or manager of land through which any detachment or corps of the Company's troops may march, or on which they may be encamped, shall consider himself entitled to compensation for any injury sustained from the march or encampment of the troops, he shall immediately furnish the commanding officer of such troops with as accurate a statement as can be prepared of the nature and extent of the injury sustained; when the commanding officer is required to certify generally thereon whether or not the damage represented to have been sustained has been actually committed, together with his opinion respecting the justice and extent of the claim.

Procedure for landholders, etc., sustaining injury, from march or encampment.

Certificate by commanding officer.

Second.—If the proprietor, farmer, tenant or manager, after receiving such certificate, shall consider himself entitled to compensation, he will be at liberty to present the statement of his claim, with the commanding officer's certificate thereon, to the Collector of the zila (either in person or by his vakil) within ten days from the date of the certificate; but no claim of this description shall be received by the Collector after the expiration of that period, unless the person preferring it shall assign good and satisfactory reason for the delay.

Certificate with statement of claim to be presented to Collector within ten days.

The Collector, on receiving a statement of damage and the commanding officer's certificate thereon within the prescribed period, or afterwards if sufficient reason be assigned for the delay, shall forthwith adopt such measures as may appear requisite to ascertain whether or not the claim be well founded; and shall report his proceedings to the Board of Revenue,[a] accompanied by his opinion on the merits of the claim, for the consideration and orders of Government.

It is, however, declared that no claim will be received, unless accompanied by the prescribed certificate of the commanding officer of the troops by whom the damage may be stated to have been committed; excepting in instances in which the claimant can show good and sufficient cause for not having obtained such certificate.

In such cases, if the Collector shall be satisfied with the cause assigned by the claimant for not having obtained the prescribed certificate, he shall transmit the petition and statement of the claimant to the officer commanding the

[a] The powers of the Board of Revenue are in Ajmere-Merwara exercised by the Chief Commissioner—see Reg. III of 1877, Second Schedule, *infra*, p. 195.

troops by whom the damage may be stated to have been committed, and shall wait his reply thereto previously to determining whether or not the claim be entitled to investigation.

Procedure by Magistrate on receiving notice mentioned in section 2.

6. Immediately on receiving the notification mentioned in section 2, the Magistrate shall transmit orders to the several police-daroghas, or other local officers of the police through whose jurisdiction the troops are to pass, to afford every assistance in their power to facilitate the march of the troops through their respective jurisdictions; and to co-operate, as far as necessary, with the person deputed on the part of the Collector in procuring the requisite supplies, as well as in adjusting any disputes which may arise respecting the prices of the articles furnished, and in preventing any alarm to the inhabitants of the country.

Police empowered, in cases of necessity, to assist travellers in prosecuting their route.

8. Whenever any military officer, not commanding nor proceeding with a corps or detachment of troops, or any other person (whether European or Native) not restricted by Government from passing though the country, may be proceeding within any part of the Company's Provinces, either on the public service or on his private affairs, and shall be in need of assistance during his route to enable him to prosecute his journey, he shall be at liberty to apply to the nearest local officer of police, to aid him in providing any requisite bearers, *coolies*,[a] boatmen, carts or bullocks, or any necessary supplies of provisions or other articles.

Assistance how afforded.

On receiving an application of the above nature, the police-officer to whom it may be made shall furnish the aid required, or cause it to be furnished by the proper person or persons: Provided that a sufficient number of persons who have been accustomed to act as bearers, *coolies*[a] or boatmen, or the requisite number of carts and bullocks, not exclusively appropriated to the purposes of agriculture and occasionally let for hire, can be procured within his jurisdiction.

Persons and carts and bullocks not to be employed in furnishing assistance.

But all police-officers are strictly forbidden, under pain of dismission from office,[b] on applications of the above nature, to compel any persons not accustomed to act as bearers, *coolies*[a] or boatmen to serve on such occasions, or to furnish a traveller, or cause him to be furnished, with bullocks or carts kept for private use and not for hire, or exclusively appropriated to the purposes of agriculture.

Persons employed to be at liberty to

Persons so employed, and the persons in charge of carts and bullocks so provided, shall be at liberty to return from the first police-station in the next

[a] As to coolies, see foot-note [c] on p. 4, *supra*.
[b] Words and figures repealed by Act XII of 1891 are omitted.

zila through which the corps or detachment is to march, unless a voluntary engagement to the contrary may be entered into by such persons. return from first police-station.

The police-officers are further enjoined to be careful that a proper compensation for the bearers, *coolies*,[a] boatmen, carts or bullocks employed, and a just price for the provisions or other articles provided, be secured to the persons entitled thereto. Conditions of assistance to travellers.

For this purpose, the police-officers are authorized to adjust the rate of hire to be paid for the bearers, *coolies*,[a] boatmen, carts or bullocks required, and the price of any articles provided; as well as to demand that the whole or a part, according to the circumstances of the case, be paid in advance.

Should any traveller refuse to comply with the adjustment or demand so made by a police-officer, he will not be entitled to any assistance from the officers of Government under this Regulation.

BENGAL REGULATION XIX OF 1810.

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[a] As to coolies, see foot-note,[e] on p. 4, *supra*.

BENGAL REGULATION XIX OF 1810. [a]

Passed on the 14th December, 1810.

A Regulation for the due appropriation of the rents and produce of lands granted for the support of mosques, Hindu temples, colleges and other purposes; for the maintenance and repair of bridges, sarais, kattras and other public buildings; and for the custody and disposal of nazul property or escheats.

Preamble.

1. Whereas considerable endowments have been granted in land by the preceding Governments of this country, and by individuals, for the support of mosques, Hindu temples, colleges and for other pious and beneficial purposes; and whereas there are grounds to suppose that the produce of such lands is in many instances appropriated, contrary to the intentions of the donors, to the personal use of the individuals in immediate charge and possession of such endowments; and whereas it is an important duty of every Government to provide that all such endowments be applied according to the real intent and will of the grantor; and whereas it is moreover essential to provide for the maintenance and repair of bridges, sarais, kattras and other buildings which have been erected either at the expense of Government or of individuals for the use and convenience of the public, and also to establish proper rules for the custody and disposal of nazul property or escheats, the following rules have been enacted, to be in force from the period of their promulgation throughout the Provinces immediately dependent on the Presidency of Fort William:

Superintendence of lands granted for support of mosques, etc.

2. The general superintendence of all lands granted for the support of mosques, Hindu temples, colleges and for other pious and beneficial purposes, and of all public buildings, such as bridges, sarais, kattras and other edifices, is hereby vested in the Board of Revenue[b] and Board of Commissioners in the several districts subject to the control of those Boards respectively.

Appropriation of endowments.

3. It shall be the duty of the Board of Revenue[b] and Board of Commissioners to take care that all endowments made for the maintenance of establishments of the above description be duly appropriated to the purpose for which

[a] Ben. Reg. XIX of 1810 was declared in force in Ajmere-Merwara by Reg. III of 1877, s. 3, printed *infra*, p. 187.

So much of Ben. Reg. XIX of 1810 as requires that the Boards of Revenue and the Board of Commissioners shall provide for the due repair and maintenance of public edifices, such as bridges, sarais and kattras, was repealed by Ben. Reg. XVII of 1816, s. 16; and so much of the Regulation as relates to endowments for the support of mosques, Hindu temples or other religious purposes was repealed by Act XX of 1863, s. 1, but see s. 23 of that Act, in General Acts, 1834—66, Ed. 1887, p. 391.

[b] The functions of the Board of Revenue are in Ajmere-Merwara discharged by the Chief Commissioner—see Reg. III of 1877, Second Schedule, *infra*, p. 195.

they were destined by the Government or individual by whom such endowments were granted. In like manner, it shall be the duty of those Boards[a] to provide, with the sanction of Government, for the due repair and maintenance of all public edifices which have been erected, either at the expense of the former or present Government or of individuals, and which either at present are or can conveniently be rendered conducive to the convenience of the community.

Disposal of ruined buildings.

4. In those cases, however, in which any of the buildings in question have fallen to decay, and cannot, from that or other causes, be conveniently repaired, or are not calculated if repaired to afford any material accommodation to the public, the Boards[a] shall recommend that they be sold on the public account, or otherwise disposed of, as may appear most expedient.

Lands or public edifices not to be appropriated by individuals for private uses.

5. Under the foregoing rules, it will of course be incumbent on the Board of Revenue[a] and Board of Commissioners to prevent any lands which have been granted for the support of establishments of the above description from being converted to the private use of individuals, or appropriated in any other mode contrary to the intent and will of the donor; and likewise to prevent all public edifices from being usurped by individuals and falling into the possession and exclusive use of private persons.

6. [*Estimates of necessary repairs to be submitted to Government.*] *Repealed by Ben. Reg. XVII of 1816, s. 16.*

Superintendence of nazul property.

7. The general superintendence of all nazul property or escheats is likewise hereby vested in the Board of Revenue[a] and Board of Commissioners respectively, who will inform themselves fully through the channel hereafter mentioned of all property of that description, and report to Government whether it should in their opinion be sold on the public account, or in what other mode it should be disposed of.

Appointment of local agents.

8. To enable the Board of Revenue[a] and Board of Commissioners the better to carry into effect the duties intrusted to them by this Regulation, local agents shall be appointed in each zila subject to the authority, control and orders of those Boards respectively.

Collector to be *ex-officio* agent with others.

9. The Collector of the zila shall be *ex-officio* one of those agents, with whom the Governor General in Council will unite such other public officers, whether in the civil, military or medical branch of the service, as may from time to time be judged expedient.

Agents to ascertain and report par-

10. Under the provisions of the present Regulation, it will of course be the duty of the agents to obtain full information from the public records, and by personal inquiries, respecting all endowments, establishments and buildings

[a] The functions of the Board of Revenue are in Ajmere-Merwara discharged by the Chief Commissioner—see Reg. III of 1877, Second Schedule, *infra*, p. 195.

ticulars of endowments, etc.;

of the nature of those above described, and of all nazul property or escheats, and to report to the Board[a] to whose authority those agents are respectively subject any instances in which they may have reason to believe that the lands or buildings are improperly appropriated; being in all cases careful not to infringe any private rights, or to occasion unnecessary trouble or vexation to individuals.

also names, etc., of present trustees or managers;

11. The said agents will further ascertain and report the names, together with other particulars, of the present trustees, managers or superintendents of the several institutions, foundations or establishments above described, whether under the designation of mutawali or any other, and by whom and under what authority appointed or elected, and whether in conformity to the special provisions of the original endowment and appropriation by the founder, or under any general rule or maxim applicable to such institutions and foundations.

and all vacancies or casualties, with full information as to pretensions of claimants.

12. The local agents will also report to the superior Boards[a] all vacancies and casualties which may occur, with full information of all circumstances, to enable the Boards[a] to judge of the pretensions of the person or persons claiming the trust; particularly whether the succession have been heretofore by inheritance in the line of descent, or whether the successor have been in former instances elected, and by whom, or whether he have been nominated by the founder, or his heir or representative, or by any other individual patron of the foundation, or by any officer or representative of Government, or directly by the Government itself.

Agents to recommend fit persons in cases where nomination vests in Government.

13. In those cases in which the nomination has usually rested with the present or former Government, or with a public officer, or of right appertains to Government, in consequence of no private person being competent and entitled to make sufficient provision for the succession to the trust and management, it will be the further duty of the local agents to propose, for the approval and confirmation of the superior Board,[a] a fit person or persons for the charge of trustee or manager and superintendent, duly attending to the qualifications of the person selected, and to any special provisions of the original endowment and foundation, and to the general rules or the known usages of the country applicable to such cases.

Chief Commissioner to appoint such persons or make other provision for trust.

14. On the receipt of the report and information required by the preceding clause, the Board of Revenue[a] or Board of Commissioners will either appoint the person or persons nominated for their approval, or will make such other provision for the trust, superintendence and management, as may be right

[a] The functions of the Board of Revenue are in Ajmere-Merwara discharged by the Chief Commissioner—see Reg. III of 1877, Second Schedule, *infra*, p. 195.

and fit with reference to the nature and conditions of the endowment, having previously called for any requisite further information from the local agents.

15. Nothing contained in this Regulation shall be construed to preclude any individual who may conceive that he has just grounds of complaint on account of any orders which may be passed by any of the above-mentioned authorities, with respect to the appropriation of any lands or buildings of the nature of those above described, from suing, in the mode and form prescribed by the Regulations, where Government or public officers are parties; or under the general provisions of the Regulations if the suit be brought against a competitor or other private person, for the recovery thereof in the regular course of law, or for compensation in damages for any loss or injury supposed to have been unduly sustained by him. Saving of private rights.

16. It is to be clearly understood that the object of the present Regulation is solely to provide for the due appropriation of lands granted for public purposes agreeably to the intent of the grantor, and not to resume any part of the produce of them for the benefit of Government. Object of Regulation.

In like manner it is fully intended that all buildings erected by the former or present Government or by individuals for the convenience of the public should be exclusively appropriated to that purpose, with the exception of such as have fallen to decay, and cannot from that or any other cause be conveniently repaired, or which, under existing circumstances, can no longer contribute to the accommodation of the community.

BENGAL REGULATION XI OF 1812. [a]

Passed on the 18th July, 1812.

A Regulation to empower the Governor General in Council to order the removal of emigrants from foreign countries, and their descendants, from any place in the vicinity of the frontier of the State from which they may have emigrated; and, in certain cases, to place and detain any such persons in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated, and of persons aiding them in the prosecution of such attempts.

1. WHEREAS considerable bodies of persons, being Natives of Arakan and Preamble.

[a] Ben. Reg. XI of 1812 was declared in force in Ajmere-Merwara by Reg. III of 1877, s. 3, printed, *infra*, p. 187.

ordinarily denominated Muggs, have from time to time emigrated from that country and established themselves in that part of the district of Chittagong which lies contiguous to the Arakan frontier;

and whereas numbers of those persons, or of their descendants, abusing the protection which had been afforded to them in the British territories, have excited disturbances and even levied war in the country of Arakan against the Government of Ava, of which State Arakan is now a dependency, and have conducted themselves in a manner manifestly tending to disturb the relations of amity which subsist between the British Government and the Government of Ava;

and whereas it is, in consequence, necessary that the Governor General in Council should possess legal powers to remove the said bodies of emigrants and their descendants from the frontier of the territory of Arakan, or any other bodies of aliens, or their descendants, from the vicinity of the country from which they may have emigrated, and likewise to detain in confinement any of those persons, or any other individuals being Natives of foreign countries, or their descendants, for offences of the above nature actually committed by them in the territories of the State from which they may have emigrated;

and whereas it is necessary to make provision for the trial of persons committing, or aiding in the commission of, the said offences, the following rules have been passed, to be in force from the period of their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

Power to order removal of emigrants to parts of country deemed convenient.

2. Whenever the Governor General in Council, upon due investigation, shall be satisfied that the emigrants from Arakan, or emigrants from any other State, who may have sought an asylum in the British territories, or the descendants of any of the said emigrants, shall have abused the protection afforded to them, by attempts to excite disturbances in the State from which they or their ancestors may have emigrated, it shall be competent to the Governor General in Council to order the removal of those persons to such other part or parts of the country as may be judged most convenient for their future residence.

In like manner, it shall be competent to the Governor General in Council to order such removal, whenever he may have grounds to be satisfied that the residence of any body of aliens, or their descendants, in the vicinity of the frontier of the country from which they or their ancestors may have emigrated, is likely to cause any serious misunderstanding between that State and the British Government.

3. Whenever any body of emigrants, or any individuals belonging to such body, shall be ordered to be removed from the part of the country in which they may have been established, they shall be allowed to dispose of any property which they may have acquired in such manner as they may judge proper:

Emigrants allowed to dispose of property.

Provided, however, that, if they shall nevertheless retain the right to any real property at the period of their actual removal, it shall be competent to the Governor General in Council to order such property to be sold by public auction under the superintendence of the Collector of the district.

In that case, the nett proceeds of the sale shall be duly paid to the person or persons to whom the said property belonged.

4. In cases in which the Governor General in Council may, on due inquiry and mature deliberation, be satisfied that either the preservation of the tranquillity of the British territories, or of the dominions of the allies of the British Government, or the maintenance of the relations of amity subsisting between the British Government and other States, requires that any of the leaders or other persons of the above description, who may have committed the offences mentioned in section 2 of this Regulation, should be placed and detained under restraint, it shall be competent to the Governor General in Council to order any such persons having committed any of the said offences, but not otherwise, to be apprehended and committed to confinement at such place, and under the custody of such public officer, and detained in confinement for such time, as may be deemed by the Governor General in Council necessary for the public good.

Power to order leaders or other emigrants to be apprehended and kept under restraint.

5. *First.*—Any persons of the above description, or their descendants, who, while living under the protection of the British Government, shall enter the country from which they or their ancestor may have emigrated, or any other foreign country, and shall excite, or attempt to excite, disturbances in the said countries, shall be liable to be brought to trial for that offence,[a] and, if convicted, shall be sentenced to suffer imprisonment for the period of seven years.

Punishment for emigrants or their descendants exciting disturbances in countries from which they emigrated.

Second.—Any persons, whether Native British subjects or aliens, who shall furnish emigrants from foreign countries with any assistance, either of men, money or arms, in prosecution of their attempts to excite disturbances in the country from which they may have emigrated, or in any other country, or shall otherwise aid such aliens in the prosecution of their criminal design, shall be

Punishment for persons aiding or assisting in attempts to excite such disturbances.

[a] Words repealed by Act XVI of 1874 are omitted.

liable to be brought to trial for that offence,[a] and, if convicted, shall be sentenced to suffer imprisonment for the term of seven years:

Proviso. Provided, however, that if the Judge[a] by whom the case may be tried shall be of opinion that the punishment established by this and the preceding clause should in any instance be mitigated, he shall submit the proceedings held on the trial to the Nizamat Adalat,[b] who will recommend to the Governor General in Council such alleviation of the prescribed punishment as they may judge proper:

Provided, moreover, that no sentence or order which may be passed on the trial of any persons under the provisions of the present Regulation shall be competent, or shall be construed, to preclude the Governor General in Council from the exercise of the power vested in the Government by section 4 of the said Regulation.

BENGAL REGULATION III OF 1818.[c]

Passed on the 7th April, 1818.

A Regulation for the confinement of State Prisoners.

Preamble. 1. WHEREAS reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper;

and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the Governor General in Council;

and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor

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[a] Words repealed by Act XVI of 1874 are omitted.

[b] The powers of the Nizamat Adalat are in Ajmere-Merwara exercised by the Chief Commissioner—see Reg. III of 1877, Second Schedule, *infra*, p. 195.

[c] Ben. Reg. III of 1818 was declared in force in Ajmere-Merwara by Reg. III of 1877, s. 3, printed, *infra*, p. 187.

General in Council all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed;

and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life and to his own wants and those of his family;

and whereas the reasons above declared sometimes render it necessary that the estates and lands of zamindars, taluqdars and others situated within the territories dependent on the Presidency of Fort William should be attached and placed under the temporary management of the Revenue-authorities, without having recourse to any judicial proceeding;

and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government;

the Vice-President in Council has enacted the following rules, which are to take effect throughout the Provinces immediately subject to the Presidency of Fort William, from the date on which they may be promulgated.

Proceeding for placing persons under restraint as State prisoners.

2. *First.*—When the reasons stated in the preamble of this Regulation may seem to the Governor General in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor General in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Form of warrant.

Second.—The warrant[a] of commitment shall be in the following form:—

To the [*here insert the officer's designation*].

"Whereas the Governor General in Council, for good and sufficient reasons, has seen fit to determine that [*here insert the State prisoner's name*] shall be placed under personal restraint at [*here insert the name of the place*]; you are hereby required and commanded, in pursuance of that determination, to receive the person above-named into your custody, and to deal with him in conformity to the orders of the Governor General in Council, and the provisions of Regulation III of 1818.

"Fort William, the

"By order of the Governor General in Council,

"*A. B.*, Chief Secy. to Govt."

[a] As to direction of warrant, see Act XXXIV of 1850, in General Acts, 1834-66, Ed. 1887, p. 70. As to places in which a State prisoner may be confined, see *ib.*, also Act III of 1858, ss. 2 and 5, in the same volume, p. 134.

Authority of warrant.

Third.—The warrant of commitment shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within the territories subject to the Presidency of Fort William.

Officers having custody of State prisoners to submit periodical reports.

3. Every officer in whose custody any State prisoner may be placed shall, on the 1st of January and 1st of July of each year, submit a report to the Governor General in Council, through the Secretary to Government in the Political Department, on the conduct, the health and the comfort of such State prisoner, in order that the Governor General in Council may determine whether the orders for his detention shall continue in force or shall be modified.

State prisoners in custody of Zila or City Magistrate by whom to be visited.

4. *First.*—When any State prisoner is in the custody of a Zila or City Magistrate, the Judges [a] are to visit such State prisoner on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the State prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Governor General in Council issued on that head.

State prisoners in custody of other officers, by whom to be visited.

Second.—When any State prisoner is placed in the custody of any public officer not being a Zila or City Magistrate, the Governor General in Council will instruct either the Zila or City Magistrate, or the Judge [a] or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner.

Representations by State prisoners to be submitted to Government.

5. The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the Governor General in Council.

Report to Government regarding confinement, etc., of prisoners.

6. Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor General in Council, whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Appropriation of allowance for support.

7. Every officer in whose custody any State prisoner may be placed shall

[a] Words repealed by Act XVI of 1874 are omitted.

take care that the allowance fixed for the support of such State prisoner is duly appropriated to that object.

8. [*Application of ss. 3-7 to persons already in confinement.*] *Repealed by Act XVI of 1874.*

Attachment of estates by order of Government without decision of Court.

9. Whenever the Governor General in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zamindar, jagirdar, taluqdar or other person, without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the Resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and Magistrate of the district in which the lands or estates may be situated,[a] and[b] to the Sadr Diwani Adalat and Nizamat Adalat.

Management of attached estates.

10. *First.*—The lands or estates which may be so temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collections shall be made and adjudged on the same principles as those of other estates held under khas management.

Attached lands not liable to sale in execution.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

Government to arrange satisfaction decrees.

Third.—In the cases mentioned in the preceding clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

Rules as to cases where Government orders release of estate from attachment.

11. Whenever the Governor General in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue-authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate, which may have accumulated during the attachment.

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[a] Words repealed by Act XVI of 1874 are omitted.
[b] The word "and" was inserted by Act XII of 1891.

BENGAL REGULATION VI OF 1825.[a]

Passed on the 4th April, 1825.

A Regulation for rendering more effectual the rules in force relative to supplies and preparations for troops proceeding through the British territories.

Preamble.

1. WHEREAS it is enacted in the first clause of section 3, Regulation XI, 1806,[b] that on receiving the notification mentioned in the preceding section, relative to a body of troops about to proceed, by land or by water, through any part of the Company's territories, the Collector of the district shall immediately issue the necessary orders to the landholders, farmers, tahsildars or other persons in charge of the lands through which the troops are to pass, for providing the supplies required, and for making any requisite preparations of boats or temporary bridges, or otherwise for enabling the troops to cross such rivers or nalas as may intersect their march without impediment or delay; it being at the same time further directed, in the second clause of the section referred to, that the supplies so furnished shall be paid for by the persons receiving the same at the current bazar-prices of the place at which they may be provided, and that the expense incurred for crossing the troops and their baggage over rivers or nalas, after being duly ascertained, will be paid by Government;

and whereas experience has shown the necessity of enabling the Collectors or other public officers acting in that capacity to enforce their orders in the cases above-mentioned, by imposing a fine upon any landholder, tahsildar or other person in the possession or management of land, who, after receiving the requisition issued in pursuance of the section above cited, may be proved to have wilfully disobeyed or neglected the same;

the Governor General in Council has therefore enacted the following rules, to be in force as soon as promulgated in all the Provinces immediately subject to the Presidency of Fort William.

Penalty for landholders not providing supplies for troops, etc.

2. Any landholder, farmer, tahsildar or other person in the possession or management of land, who may have been duly required by a Collector of the land-revenue (or any public officer acting in that capacity), in pursuance of section 3, Regulation XI, 1806, [b] to provide supplies for a body of troops about to proceed by land or water through any part of the British territo-

[a] Ben. Reg VI of 1825 was declared in force in Ajmere-Merwara by Reg. III of 1787, s. 3, printed *infra*, p. 187.

[b] Printed *supra* p 4.

ries, or to make preparations of boats, temporary bridges or otherwise, for enabling the troops to cross rivers or nalas intersecting their march, and after the receipt of such requisition shall wilfully disobey or neglect the same, or shall without sufficient cause fail to exert himself for the due execution of the duty so assigned to him, shall on proof of such failure, neglect or disobedience to the satisfaction of the Collector (or other officer acting in that capacity) by whom the order may have been issued, or of his successor in the same office, be liable to a fine proportionate to the defaulter's condition in life and the circumstances of the case, in such amount as the Collector or other officer, with due regard to these considerations, may judge it proper to impose, so that the fine shall not in any case exceed the sum of one thousand sikka rupees.

Collector to make summary inquiry.

3. The Collector or other officer acting in that capacity, who may exercise the powers vested in him by this Regulation, shall previously make a summary inquiry, in the presence of the party charged with disobeying or neglecting the order issued to him, or of his representative, if on being duly summoned he shall attend in person or by vakil for that purpose;

if he shall fail to attend, either in person or by vakil, the summary inquiry shall be conducted *ex parte*, and the Collector shall record upon his proceedings the whole of the evidence obtained in proof of the neglect or disobedience for which a fine may be imposed.

Fine how levied.

4. The Collector or other officer who may adjudge a fine under this Regulation shall be competent to levy the amount by the same process as is authorized for the recovery of arrears of the public revenue:

Proviso as to appeal.

Provided that if an appeal be preferred from his decision, within six weeks from the date of it, to the Board of Revenue[a] in whose jurisdiction the district may be situate, and sufficient security be tendered for performing the judgment of the Board[a] upon the appeal, the Collector shall stay the execution of his order for levying the fine imposed by him, until he shall receive the final order of the Board.[a]

Petition of appeal against fine.

5. Appeals from the orders of Collectors or other public officers adjudging fines under this Regulation, may be preferred[b] either immediately to the proper Board,[a] or through the officer by whom the fine may have been adjudged; and, on admission of the appeal, the whole of the proceedings in the case shall be transmitted to the Board.[a]

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[a] The powers of the Board of Revenue are in Ajmere-Merwara exercised by the Chief Commissioner— see Reg. III of 1877, Second Schedule, *infra*, p. 195.

[b] Words repealed by Act XII of 1876 are omitted.

Limitation of appeal.

But no such appeal shall be receivable after the expiration of six weeks from the date of the udgm ent, without proof of sufficient reason for the delay, to the satisfaction of the Board[a] by whom the case may be cognizable.

BENGAL REGULATION V OF 1827.[b]

Passed on the 27th December, 1827.

A Regulation for modifying the rules at present in force for the management of estates under attachment by orders of the Courts of Justice in certain cases.

Preamble.

1. WHEREAS it is expedient in all cases of the attachment of landed property under orders of the Courts of Justice, that the management of the estate attached should be placed under the superintendence of the Collectors of land-revenue; the following rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation throughout the territories immediately subject to the Presidency of Fort William.

Modification of Regulation as to management of attached estates.

2. The rules contained in sections 5 and 6, [c]Regulation V, 1799, [d]regarding the administration and management of estates under orders of the Zila[e] Courts, are hereby declared subject to the following modifications.

Issue of precept for holding estates under attachment and for appointing managers.

3. Whenever the Zila[e] Courts may deem it just and proper, under the provisions of the several Regulations above-mentioned, to provide for the administration or management of landed property, the Court shall issue a precept to the Collector of land-revenue of the district wherein the estate may be situated, directing him to hold the estate in attachment, and to appoint a person for the due care and management of the estate, under good and adequate security for the faithful discharge of the trust, in a sum proportionate to the extent thereof :

Provided, however, that if any person holding an interest in the estate shall be dissatisfied with the selection made by the Collector of the individual to perform the duty in question, or with the conduct of the manager at any time after his appointment, it shall be competent to such person to represent

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[a] The powers of the Board of Revenue are in Ajmere-Merwara exercised by the Chief Commissioner—see Reg. III of 1877, Second Schedule, *infra*, p. 195.

[b] Ben. Reg. V of 1827 (with the exception of certain words and figures of s. 2) was declared in force in Ajmere-Merwara by Reg. III of 1877, s. 3, printed *infra*, p. 187.

[c] Printed *supra*, pp. 1 and 2.

[d] Words and figures excepted by Reg. III of 1877, Second Schedule (printed *infra*, p. 195), and those repealed by Act XVI of 1874, are omitted.

[e] Words repealed by Act XVI of 1874 are omitted.

his objections to the Board of Revenue[a], and the Board[a] will either confirm the manager chosen, or order the Collector to appoint another person, as on consideration of the circumstances of the case may appear reasonable and proper.

Precept to State property included in attachment.

4. The precept of the Zila[b] Court above-mentioned shall state specifically the property to be included in the attachment, and the attachment shall not be withdrawn without a further precept from the Court to that effect.

[a] The powers of the Board of Revenue are in Ajmere-Merwara exercised by the Chief Commissioner—see Reg. III of 1877, Second Schedule, *infra*, p. 195.

[b] Words repealed by Act XVI of 1874 are omitted.

PART II:

LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN AJMERE-MERWARA.

ACT XX OF 1856.

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APPENDICES.

ACT No. XX OF 1856.[a]

(*Received the Governor General's assent on the 14th November, 1856.*)

An Act to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns, Stations, Suburbs and Bazars in the Presidency of Fort William in Bengal.

WHEREAS it is expedient to make better provision for the appointment and maintenance of Police-chaukidars in cities, towns, stations, suburbs and bazars in the Presidency of Fort William in Bengal; It is enacted as follows:— Preamble.

1. [b]The monthly assessment levied under Regulation XXII, 1816,[c] and Act XV of 1837[c] in any city or station at the time of the passing of this Act, shall continue to be levied until the same shall be revised and altered under the provisions of this Act. Existing assessment to be levied until revised.

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[a] Act XXII of 1871 is to be read with, and taken as part of, Act XX of 1856—see Act XXII of 1871, s. 6, *infra*, p. 66.

For power to extend Act XX of 1856 to cantonments, see Act XIII of 1889, s. 18.

When a municipal committee comes into existence under s. 16 of Reg. V of 1886 for a municipality constituted under that Regulation, and that municipality comprises within its limits a local area in which Act XX of 1856 is in force, that Act ceases to have effect in the local area, and every panchayat constituted under the Act for the local area ceases to exist—see Reg. V of 1886, s. 17 (2), *infra*, p. 207.

[b] Portion repealed by Act XIV of 1870 is omitted.

[c] Ben. Reg. XXII of 1816 and Act XV of 1837 were repealed by that part of s. 1 of Act XX of 1856 which was repealed by Act XIV of 1870.

To what places Act shall apply.

[a]2. The provisions of this Act shall have effect in all cities, stations, towns, suburbs and bazars in the said Presidency to which the Local Government may, at any time, extend the same by notification in the official Gazette:

Proviso.

Provided always that this Act shall not be extended to any agricultural village.

In all places in which this Act is now in force, it shall be deemed to have been extended under the provisions of this section.

Unions may be formed.

3. The Government may, by notification to be published in the official Gazette, unite, for the purposes of this Act, any city, town, suburb, station or bazar, or any part or parts of a city, town, suburb, station or bazar, with any other city, town, suburb, station or bazar, or part or parts of a city, town suburb, station or bazar; and in such case all the provisions of this Act applicable to a city, town, suburb, station or bazar shall apply to such union.

Government may define limits of cities, towns, etc.

Occupiers liable to assessment.

4. For the purposes of this Act the Local Government may define and declare the limits of any city, town, suburb, station, bazar or union, and all occupiers of houses within any such city, town, suburb, station, bazar or union as aforesaid, or within such limits as shall be so defined as aforesaid, shall be liable to be assessed or rated according to the provisions of this Act, for the purpose of maintaining the chaukidars appointed to be maintained in such city, town, station, suburb, bazar or union.

Houses let to lodgers how assessed.

5. If any house be let out in portions to different persons or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers or travellers, shall, for the purposes of this Act, be deemed to be the occupier of such house.

Naming of streets and numbering of houses.

6. The Magistrate may cause a name to be given to any street and affixed in such place or places as he may think fit, and may also cause a number to be affixed to every house in any street or mahalla, for the purpose of identifying such house; and, if any person shall wilfully remove, obliterate or destroy such name or number, he shall be liable, on conviction by a Magistrate, to a fine not exceeding twenty rupees.

Number of chaukidars.

7. The Magistrate shall determine the number of chaukidars to be maintained in any city, town or other such place as aforesaid; but the number of

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[a] This section was substituted for the original s. 2 by Act XXII of 1871, s. 1, printed *infra*, p. 66.

chaukidars so to be maintained shall not exceed one to every twenty-five houses.

Grades and wages of chaukidars.

8. The chaukidars appointed under this Act may be of different grades, and the wages to be paid to the several grades shall be determined by the Magistrate.

Sum to be raised annually.

9. The Magistrate shall determine the total amount required to be raised in any year in any city, town or other such place as aforesaid, for the purpose of maintaining the chaukidars appointed to be maintained therein, and for the purposes specified in sections 33, 34, 35 and 36 of this Act, together with such sum as the Magistrate may consider necessary to provide against the contingency of losses from defaulters in the current year, and the amount of losses, if any, actually sustained from defaulters in the preceding year.

Nature of tax to be levied.

10. The tax to be levied in any city, town or other place as aforesaid, for the purposes of this Act, may be either an assessment according to the circumstances, and the property to be protected, of the persons liable to the same, or a rate on houses and grounds according to the annual value thereof.

The Local Government, on the report of the Magistrate and Commissioner,[a] shall determine in each case whether the tax to be levied shall be such assessment or such rate.

Limitation of tax.

[b] 11. If the tax be an assessment according to the circumstances and the property to be protected of the persons liable to the same, the amount assessed in respect of any one house shall not be more than the pay of a chaukidar of the lowest grade. If the tax be a rate on houses and grounds, it shall not exceed five per centum of the annual value thereof.

Rate how to be ascertained.

12. For the purpose of making a rate under this Act, the annual value of the houses and grounds liable to the rate shall be computed and ascertained upon an estimate of the gross annual rent at which the same might reasonably be expected to let from year to year.

Grounds used for purposes of trade shall be liable to the rate, but grounds used for the purpose of cultivation or for depasturing cattle shall not be liable.

Magistrate may exempt occupiers unable to pay.

13. The Magistrate may, at his discretion, exempt from the assessment or rate, or may relieve from the payment of his assessment or rate, any occupier who may be unable from poverty to pay the same.

Constitution of panchayats.

14. For the purposes hereinafter mentioned, the Magistrate shall consti-

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[a] Words repealed by Act XII of 1891 are omitted.

[b] This section was substituted for the original s. 11 by Act XXII of 1871, s. 2, printed *infra*, p. 60.

tute and appoint a panchayat for each such city, town or other place as aforesaid, or, when he may see fit to divide any such city, town or place into convenient divisions, for each division thereof, and shall issue a sanad of appointment, specifying the names, residence, business or other description of the persons appointed and the period for which the appointment is made.

Every panchayat shall consist of three or five respectable persons residing or carrying on business in or near to any such city, town or other place, or in or near to any such division thereof :

Magistrate may appoint non-resident person to be a member.

Provided that, instead of any one such person, the Magistrate may appoint any person whom he may think fit to be a member of the panchayat, notwithstanding such person may not reside or carry on business in or near to such city, town or other place, or in or near to any such division thereof.

Duties of panchayat.

15. The panchayat so appointed, or the majority of them, shall once in every year, if required so to do by the Magistrate, prepare and make, in accordance with the rules laid down in the requisition, an assessment or rate upon the several persons liable to be assessed or rated in respect of their occupation of property within the district (whether city, town or other place as aforesaid or any division thereof) for which the panchayat shall be appointed, and shall enter the same in a list which shall specify the names of the several occupiers of property within the district liable to be assessed or rated under the provisions of this Act, the trade, business or other description of such occupier, the property occupied and the amount payable monthly by such occupier.

If the tax be a rate on the annual value of the property occupied, such annual value and the total amount of the annual rate shall also be specified.

Magistrate's requisition.

The requisition of the Magistrate to the panchayat to make out such list shall be in the form marked A or B, as the case may be, set forth in the appendix to this Act annexed, or to the like effect.

Panchayat may revise existing assessment or rate.

16. The panchayat shall, if required by the Magistrate so to do, instead of making a new assessment or rate, revise and amend the assessment or rate then in force.

Revision of assessment or rate by Magistrate.

17. When an assessment or rate shall have been made or revised, as the case may be, the panchayat shall forward to the Magistrate the list containing the same ; and the Magistrate shall revise, and, if necessary, amend and settle it.

Assessment or rate to be published.

18. When the assessment or rate shall have been settled, the Magistrate shall sign the list, and shall cause one copy thereof, together with a notification prepared according to the form marked C in the appendix to this Act or

to the like effect, and written in the language of the Province in which the city, town or place is situate, to be stuck up in some conspicuous place in the district for which the assessment or rate has been made; and another copy, together with a like notification, at the nearest police-thana; and shall also cause a third copy to be deposited in his own office.

19. Unless revised or corrected as hereinafter provided, every assessment or rate under this Act shall stand good for one whole year, and until a new one is made, and, in case the occupier of any property included in any assessment or rate shall be changed before a new one is made, the new occupier shall be liable in respect of such property for any portion of the assessment or rate which shall have become payable during his occupation instead of the former occupier thereof; and, after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupier.

Assessment or rate to stand good for one year. Effect of change of occupation before new assessment or rate.

Every assessment or rate which shall be revised according to the provisions of section 16 shall be deemed a new assessment or rate:

Revised assessment or rate deemed new.

Provided always that, if no new assessment or rate is made within the first three months of any year, the list of the previous year shall be republished according to the provisions of section 18, and shall thereupon be deemed to be the assessment or rate for the current year, and shall be open to appeal under the next succeeding section.

Continuance of assessment of past year.

20. Any person assessed or rated, who shall be dissatisfied with his assessment or rate, or who shall dispute his occupation of any property, or his liability to be assessed or rated, may appeal on unstamped paper to the Magistrate, and the Magistrate, after making such inquiries as he deems necessary, by examination of the appellant on oath or solemn affirmation, or otherwise, may confirm the assessment or rate or amend the same.

Appeal from assessment or rate.

In case the Magistrate confirm the assessment or rate, he may award costs against the appellant.

Award of costs.

The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment or rate, nor shall the liability of any person to be assessed or rated be questioned in any other manner or by any other Court:

Finality of decision on appeal.

Provided that no appeal shall be received after the expiration of one month from the time of the notification of the assessment or rate prescribed by section 18, or of the notification of the substitution of the name of an occupier under section 19, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

Limitation of appeal.

Commissioner may direct revision of assessment or rate.

21. The Commissioner,[a] with the consent of the Local Government, may at any time direct the Magistrate to revise the assessment or rate of any city, town or other place as aforesaid, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise and, if necessary, amend the same.

Magistrate may direct revision at any time of year, for reasons stated.

22. The Magistrate may require the panchayat to revise the assessment or rate at any period during the year; but on every such occasion he shall address a written order to the panchayat, specifying the reasons which render such revision necessary, and requiring an amended return within a stated period.

Publication of assessment or rate as revised.

23. Whenever any assessment or rate is revised during the year as provided in the two last preceding sections, a revised list, together with a notification as prescribed in section 18, shall be prepared and published in the manner therein directed.

Objections.

And all objections to such revised assessment or rate shall be made and dealt with in the manner prescribed in section 20.

Penalty for refusal to serve on panchayat.

24. If any person appointed a member of a panchayat refuse to undertake the office, or omit to perform the duties thereof, and do not, within fifteen days from the date of his appointment, shew satisfactory grounds for his refusal or omission, or provide such a substitute as the Magistrate approves, the Magistrate may fine such person in a sum not exceeding fifty rupees.

If panchayat refuse or omit to act, Magistrate may assume their functions.

25. If the persons appointed a panchayat, or a majority of them, refuse or omit, for a period of fifteen days after the receipt of an order from the Magistrate, to perform the duties required of them, the Magistrate may himself make or revise the assessment or rate, and may enforce the same as if it had been made or revised in the first instance by the panchayat:

Proviso.

Provided that the functions of the panchayat shall not thereby absolutely cease and determine, but may be resumed at any time, only not so as to invalidate any act done by the Magistrate under this section.

Residents only bound to act on panchayat.

26. No person shall be bound to act on a panchayat unless he shall reside or carry on business within the limits of the district for which the panchayat is to be appointed.

Duration of panchayat and limitation of service thereon.

27. Every panchayat shall be appointed for the period of one year, and no person shall be compelled to serve on a panchayat for more than one year at a time, or within less than three years after the expiry of previous service; but nothing in this section shall prevent any person from being appointed to serve on a panchayat at any time whatsoever with his own consent.

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[a] Words repealed by Act XII of 1891 are omitted

28. If a majority of the persons assessed or rated in any district for which a panchayat shall be appointed, not being in arrear, make application in writing to the Magistrate for the removal of any member of the panchayat ppointed for such district, the Magistrate, if he think it expedient, may remove such member from the panchayat.

Member of panchayat removeable only on application of rate-payers.

29. If any vacancy shall occur among the members of a panchayat, or if any member appointed shall refuse or decline or be unable to act, the Magistrate may nominate and appoint another person to supply the vacancy or to act in the stead of such member, subject to the rules already laid down as to the original appointment of members; but such appointment may be made by a written communication to the person appointed, and it shall not be necessary to issue a new sanad under section 14 of this Act.

Vacancies in panchayat how supplied.

30. The panchayat shall give notice to the Magistrate of any neglect or misconduct on the part of any chaukidar within the district for which they are appointed, which shall come to their knowledge; and shall also give notice of any vacancy which shall occur in consequence of the death or absence of any chaukidar or from any other cause.

Panchayat to report misconduct of chaukidars, or death or absence.

31. In cities and large towns containing three or more divisions or districts, the Magistrate may appoint a sadr panchayat consisting of not less than five members, who may be selected either from the members of the local panchayats or from any other residents of the city or town.

Appointment and duty of sadr panchayat.

It shall be the duty of the sadr panchayat to assist the Magistrate, when required so to do, in carrying out generally the objects of this Act, and particularly in revising the assessment or rate made by the district panchayats and enquiring into and reporting on appeals preferred against the same.

32. The chaukidars to be employed under this Act shall be appointed by the Magistrate, and the Magistrate shall cause to be kept a register in which shall be entered the name, age, place of residence and previous occupation of every person so appointed, with the date of his appointment.

Appointment and registry of chaukidars.

[a]33. Subject to the approval of the Commissioner,[b] the Magistrate may appoint such number of jamadars and inspectors as may be necessary for the supervision and control of the chaukidars:

Appointment of jamadars and inspectors

Provided that the number of these officers shall not be greater than one jamadar to fifteen chaukidars, and one inspector to sixty chaukidars.

Their number.

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[a] As to raising money for the purposes specified in ss. 33-36, see s 9, *supra*, p. 29
[b] Words repealed by Act XII of 1891 are omitted.

Appointment of tax-collectors and other establishment.

[a]**34.** Subject to the approval of the Commissioner,[b] the Magistrate may appoint one or more tax-collectors or daroghas, and such other servants as may be necessary, for preparing or assisting the panchayat in preparing the assessment or rate, for copying the same, for collecting the tax, keeping the accounts and records and otherwise carrying out the purposes of this Act.

Security.

The Magistrate shall take from every tax-collector or darogha such security for the due disposal of the sums collected by him as may be thought necessary.

Contingent expenses

[a]**35.** The Magistrate may further incur any reasonable expense in the purchase of stationery, in providing badges, dresses and weapons for the chaukidars, and for any other contingencies that may seem to him necessary.

Surplus-funds may be devoted to conservancy-purposes.

[a]**36.** After paying the wages of the chaukidars, and defraying the charges specified in the three last preceding sections of this Act, the Magistrate may, with the sanction of the Commissioner,[b] appropriate any sum which may be available to the purpose of cleansing the city, town or place, or of lighting or otherwise improving the same.

Register of assessments.

37. The tax-daroghas shall prepare from the lists hereinbefore mentioned a register, which shall be attested by the Magistrate or his Deputy or Assistant, and shall contain the names of all persons assessed or rated so far as they can be ascertained, the property in respect of which the assessment or rate in each case is imposed, and the amount payable monthly by each person.

Collection of assessment.

[c]**38.** On such dates as may be fixed by the panchayats for payment of instalments of the tax, the tax-darogha shall proceed in person, or through some one of his office-establishment, to collect the amount due for the current month from each person subject to the tax, and for all sums so collected the darogha shall grant a receipt:

Provided that, with the sanction of the Commissioner,[d] previously obtained, the collection may be made quarterly instead of monthly; and in such case the amount due for each quarter shall be collected in the last month of that quarter.

Remittance of collections

39. The tax-darogha shall remit to the Magistrate, in such manner as the Magistrate shall direct, all sums of money collected either by himself or by

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[a] As to raising money for the purposes specified in ss 33-36, see s. 9, *supra*, p. 29.
[b] Words repealed by Act XII of 1891 are omitted.
[c] This section was substituted for the original s 38 by Act XXII of 1871, s. 3, printed *infra*, p. 66.
[d] The word "Commissioner" was substituted for the original words by Act XII of 1891.

any one of his establishment, and the Magistrate or some officer of his establishment authorized on that behalf shall give the darogha a receipt for every sum of money so remitted.

The Magistrate shall also cause all such sums of money to be credited to a separate fund, to be called the Chaukidari Fund of the city, town or place in or on account of which they are collected.

Preparation of summons, etc.

40. The tax-darogha shall prepare all summonses and processes to be issued against defaulters, and shall make the usual returns thereto, and shall keep a regular account of all distresses levied and sales made by him for the realization of arrears.

Report of defaulters to Magistrate.

41.[a] On the tenth day after the date fixed for the payment of instalments of the tax,[a] or as soon after as possible, the tax-darogha shall deliver or transmit to the Magistrate, in one list, a statement of all defaulters, the property in respect to which they are assessed or rated, the amount of the monthly assessment or rate, and the amount due from each.

Summoning defaulters.

42. On receipt of the aforesaid list, the Magistrate shall issue a summons against each of the defaulters therein mentioned, requiring him either to pay the demand or to attend at the kachahri of the Magistrate within a reasonable time, to be specified in the summons, to shew cause for his refusal.

Assessment to be levied from defaulters by distress and sale.

43. If any defaulter fail to appear in answer to the summons, or, having appeared, fail to satisfy the Magistrate that no arrear is due from him, the Magistrate may issue a warrant to the tax-darogha, authorising him to levy the whole or any part of the demand by distress and sale of any goods and chattels belonging to the defaulter, or being at any time upon the premises in respect of which the arrear is due; and the Magistrate's order as contained in the warrant shall be final.

Sale how conducted.

44. The tax-darogha shall make an inventory of all goods and chattels seized under the Magistrate's warrant, and shall give previous notice of the sale, and the time and place thereof, by beat of drum, in the district in which the property is situated.

Proceeds how applied.

If the arrear be not paid with costs, or the warrant be not in the meantime discharged or suspended by the Magistrate, the goods and chattels seized shall be sold at the time and place specified, in the most public manner possible; and the proceeds shall be applied in discharge of the arrears and costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure.

[a-a] These words were substituted for the original words by Act XXII of 1871, s 4, printed *infra*, p. 66.

Returns of sale; Costs.

The tax-darogha shall make a return of all such sales to the Magistrate in the form specified in Appendix D, and the costs upon every such proceeding shall be such as are mentioned and set forth in Appendix E annexed to this Act.

Penalty for tax-darogha purchasing at such sales.

45. Any tax-darogha or other servant appointed under this Act, and any chaukidar or officer of Police, who shall purchase any property at any such sale as aforesaid, shall be liable, upon conviction before a Magistrate, to a penalty not exceeding fifty rupees; and the property shall be confiscated.

Sale of property beyond limits of town, etc.

46. If no sufficient goods or chattels belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the district in which the premises are situate, the Magistrate may issue his warrant to the Nazir of his Court for the distress and sale of any personal property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any personal property belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever; and such other Magistrate shall back the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant.

Goods liable to distress.

47. All goods and chattels, except tools or implements of trade, which may be found upon any premises in respect of which an arrear is due, shall be liable to be distrained for the recovery of such arrear.

Owner of goods to be indemnified by defaulter.

If the goods and chattels belong to any person other than the defaulter, the defaulter shall indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress or by reason of any payment he may make to avoid such distress or any sale under the same:

Limitation of distress.

Provided that no distress shall be made for any arrears due under this Act, after the expiration of six calendar months from the time when such arrears became due.

Penalty for obstructing tax-darogha in execution of duty, etc.

48. Every person who shall wilfully obstruct or molest any tax-darogha or any of his establishment, in the performance of their duties under this Act, or shall fraudulently conceal, remove or dispose of any of his property for the purpose of avoiding a distress under the provisions of this Act, or shall knowingly assist any other person in so doing, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees.

Magistrate to try complaints against tax-darogha for extortion, etc.

49. The Magistrates shall receive and try all complaints preferred on oath or solemn affirmation against any tax-darogha or other person appointed under this Act, for extortion, malversation or other misconduct in the discharge of his duty.

On proof of any such offence, the tax-darogha or other person as aforesaid shall be liable to dismissal from office, and to imprisonment, with or without labour, for a period not exceeding six months, and may also be compelled to refund any money corruptly or unduly exacted or received, and to deliver up any effects which may have been illegally distrained or sold, or the value thereof, or, in default and until such delivery or refund be made, shall be liable to further imprisonment, with hard labour, for not more than six months. Penalty for extortion, etc.

But nothing in this section shall be taken to prevent the Magistrate from committing any tax-darogha or other person as aforesaid for trial before the Sessions Court, or to limit the power of the Sessions Court in regard to the punishment of such offences under the general law. Saving of power to commit.

50. The chaukidars and the jamadars and inspectors appointed under this Act shall exercise all the powers, and perform all the duties, and be subject to all the liabilities, of Police-officers as prescribed in the general Regulations of the Bengal Code or Acts of the Government of India for the time being in force, so far as such powers, duties and liabilities are not inconsistent with, or otherwise expressly provided for, by this Act. Powers, duties and liabilities of chaukidars, jamadars and inspectors.

The chaukidars and the jamadars and inspectors are in all respects subordinate to the Police-darogha of the thana within the limits of which they may be employed.

51. Every chaukidar appointed under this Act shall wear a badge with a number, and the name of the city, town, place or division for which he is appointed, engraved thereon. Chaukidars wear badges.

52. Every chaukidar and every jamadar and inspector appointed under this Act shall have power, without warrant, to apprehend and convey immediately to the nearest police-station any person or persons taken in the act of committing any heinous offence, or whom he shall have just cause to suspect to be about to commit or to have committed a heinous offence, or against whom a hue and cry shall be raised: Power of chaukidars— to arrest without warrant:

Second.—He shall have power to prevent obstructions and nuisances on the roads and streets: to prevent nuisances:

Third.—He shall give immediate intelligence to the police-darogha of the resort to his division of any receivers of stolen goods, or of any robbers or other persons of notorious or suspected character, or of any circumstances likely to occasion a breach of the peace: to give intelligence of resort of thieves, etc.:

Fourth.—He may stop, examine, and if necessary detain, any person who shall be reasonably suspected at any time of having or conveying any thing stolen, or who shall be found between sunset and sunrise lying or loitering in to examine and detain suspected persons.

any highway, yard or other place, and unable to give a satisfactory account of himself, and may convey such person to the nearest police-station.

Assistance to chaukidars in making arrests.

53. If a chaukidar or other Police-officer be unable to effect an arrest, he may require all persons present to assist him; and any person who refuses or neglects to comply with such requisition shall be liable, on conviction by a Magistrate, to a fine not exceeding fifty rupees, or to imprisonment not exceeding two months.

Chaukidars, etc, how paid.

54. On the fifteenth day of each month, or on such other day not later than the fifteenth day of the month as the Magistrate may appoint, the chaukidars and the jamadars and inspectors (if any) shall be mustered at the thana to which they are attached, and the police-darogha or muharrir of the thana shall there pay them the wages due to them up to the close of the preceding month, and shall at the same time take the receipt of each chaukidar in an official register of receipts prepared for the purpose; and the darogha, after signing the register in attestation of its correctness, shall transmit the same to the Magistrate.

Punishment of officers for neglect of duty, etc.

55. Any chaukidar and any jemadar or inspector appointed under this Act, who is convicted of neglect of duty or misconduct, shall be liable to fine to an extent not exceeding half a month's wages, or to imprisonment for any period not exceeding six months.

Suspension or dismissal of officers.

56. The Magistrate may suspend or dismiss any officer appointed under this Act whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Fines how disposed of.

57. All fines levied under this Act shall be credited to the Chaukidari Fund[a] and held available for the purposes of this Act.

58. [*Jurisdiction of Magistrates.*] *Repealed by Act X of 1872.*

Control over proceedings of Magistrate and Commissioner.

59. All the proceedings of a Magistrate under this Act, except as otherwise specially provided, shall be subject to the control of the Commissioner;[b] and all the proceedings of the Commissioner[b] shall be subject to the control of the Local Government.

60. [*Act not to apply to Calcutta.*] *Repealed by Act XII of 1891.*

Interpretation-clause.

61. Wherever in this Act, or in any appendix thereto, there is nothing in the context requiring a different interpretation—

the word "Magistrate" shall include a Joint Magistrate and any person lawfully exercising the powers of a Magistrate:

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[a] As to this Fund, see s. 39, *supra*, p. 34.
[b] Words repealed by Act XII of 1891 are omitted.

the word "house" shall include any shop or warehouse :

the word "bazar" shall mean any place of trade where there is a collection of shops or warehouses :

the word "district" shall mean a city, town, bazar or union, or any division thereof :

the expression "police-darogha" shall include any tashildar or naib-tashildar entrusted with police-jurisdiction.

APPENDIX A.[a]

To

[*Here insert the names, places of abode, business or other description of the panchayat.*]

I do hereby require you, the panchayat appointed under Act XX of 1856, with all reasonable expedition, not exceeding (*here insert a period to be fixed by the Magistrate*) from the date hereof, to make out and forward to me, the undersigned Magistrate of the zila of , a fair and equitable assessment upon the several occupiers of houses, shops and buildings in the (*here describe the city, town, place or division*), for the purpose of raising the sum of rupees required for the maintenance of chaukidars for the year commencing on and other expenses authorized by Act XX of 1856. You shall regulate and determine the amount of assessment to be levied from every such occupier according to the circumstances and the property to be protected of each person. But the amount assessed in respect of any one house shall not exceed rupees (*here insert the pay of a chaukidar of the lowest grade*).[b]

If the occupier of any house in the said district shall be unable, on the ground of poverty, to pay the assessment to which he is liable under this Act, you shall exempt him from the same ; but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers, or travellers, shall be deemed the occupier of such house and shall be assessed accordingly.

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[a] See s. 15, *supra*, p 30.
[b] Words repealed by Act XXII of 1871, s. 5, are omitted.

The assessment which you are hereby required to make shall specify the name of every occupier of property liable to be assessed, the name, trade or business or other description of the person assessed, the annual assessment, and the quota payable monthly; and may be in the following form, or to the like effect:—

Property occupied.	Name of occupier.	Profession or business or other description.	Amount of monthly payment.

APPENDIX B.[a]

To

[*Here insert the names, places of abode, business or other description of the panchayat.*

I do hereby require you, the panchayat appointed under Act XX of 1856, with all reasonable expedition, not exceeding (*here insert a period to be fixed by the Magistrate*) from the date hereof, to make out and forward to me, the undersigned Magistrate of the zila of , a fair and equal rate upon the several occupiers of houses, shops and buildings, and of grounds occupied for the purpose of trade or business in the (*here describe the city, town, place or division*), for the purpose of raising the sum of rupees required for the maintenance of chaukidars for the year commencing on and other expenses authorized by Act XX of 1856. You shall regulate and determine the amount of the rate to be levied from every such occupier according to the annual value of the property occupied.

The rent at which any such property may reasonably be expected to let for one year shall be deemed the annual value of such property. The rate shall be an equal percentage, not exceeding five per cent., of such annual value.

Any person occupying ground for the purpose of trade is to be rated in respect thereof, but a person occupying ground for the purpose of cultivation or for depasturing cattle is not to be rated in respect thereof.

If the occupier of any house or ground in the said district shall be unable, on the ground of poverty, to pay the rate to which he is liable under this Act,

[a] See s. 15, *supra*, p. 30.

you shall exempt him from the same; but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers, or travellers, shall be deemed the occupier of such house, and shall be rated accordingly.

The rate which you are hereby required to make shall specify the name of every occupier of property liable to be rated, the name, trade or business or other description of the person rated, the annual rateable value of the property, the annual rate, and the quota payable monthly; and may be in the following form, or to the like effect:—

Property occupied.	Name of occupier.	Profession or business or other description.	Annual value of property.	Annual rate.	Amount of monthly payment.

APPENDIX C.[a]

An assessment (*or* rate, *as the case may be*) made for (*here describe the city, town, village or other place or division for which the rate is made*) upon the several occupiers of houses and other property in the said district, pursuant to Act XX of 1856, for the purpose of maintaining chaukidars for such district.

Property occupied.	Names of occupiers.	Profession or business.	Amount of monthly (*or* quarterly) assessment (*or* rate)

[a] See s. 18, *supra*, p. 30.

Whereas the above assessment (*or* rate, *as the case may be*) has been duly made pursuant to Act XX of 1856, and has been revised and settled by me, the undersigned Magistrate of , the several persons whose names, are included in the said assessment (*or* rate) are hereby required to pay the monthly (*or* quarterly) contributions set opposite to their names with regularity to the tax-darogha or other person appointed by the Magistrate to receive the same[a] (*if the tax is to be collected quarterly, the months in which the payment is to be made must be specified*), or, in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed (*or* rated), and such other proceedings adopted for the recovery of the same as are allowed by law.

Dated this day of

Magistrate of

APPENDIX D.[b]

1	2	3	4	5	6	7	8	9	10	11
District.	Names of defaulters.	Amount of defalcation.	Amount, cost or penalty.	Inventory of property seized under distress.	Date of distress.	Date of sale.	Property sold.	Amount realized on each article.	Purchaser's name.	Balance.

[a] Words repealed by Act XXII of 1871, s. 5, are omitted.
[b] See s. 44, *supra*, p. 35.

APPENDIX E.[a]

Table of Fees payable in Distraints under this Act.

Sum distrained for.	Fee.	
	Rs.	As.
Under 1 rupee	0	4
1 and under 3 rupees	0	8
3 „ 5 „	1	0
5 „ 10 „	1	8
10 „ 15 „	2	0
15 „ 20 „	2	8
20 „ 25 „	3	0
25 „ 30 „	3	8
30 „ 35 „	4	0
35 „ 40 „	4	8
40 „ 45 „	5	0
45 „ 50 „	5	8
50 „ 60 „	6	0
60 „ 80 „	7	8
80 „ 100 „	9	0
Above 100 „	10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

ACT III OF 1867.

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ACT No. III OF 1867[a].

(*Received the Governor General's assent on the 25th January, 1867.*)

An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the North-Western Provinces of the Presidency of Fort William, and in the Punjab, Oudh, the Central Provinces and British Burma.[b]

Preamble.

WHEREAS it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses in the territories respectively subject to the governments of the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William and [c] of the Lieutenant-Governor of the Punjab, and to the administrations of the Chief Commissioner of Oudh, of the Chief Commissioner of the Central Provinces and of the Chief Commissioner of British Burma;[b] It is hereby enacted as follows:—

Interpretation-clause.

1. In this Act—

"Lieutenant-Governor" means the Lieutenant-Governor of the said North-Western Provinces or the Punjab, as the case may be:

"Chief Commissioner" means the Chief Commissioner of Oudh, the Central Provinces or British Burma,[b] as the case may be:

"common gaming-house" means any house, walled enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping

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[a] Act III of 1867 was extended, by notification of the Lieutenant-Governor of the North-Western Provinces, No. 346A., dated the 8th June, 1867, to the following towns of Ajmere and Merwara, namely, Ajmere, Bhinae, Kekree, Khurwah, Masuda, Nusserabad, Nyanagar, Pisangun, Pokar, Ramsur, Sawur and Srinagar—see N.-W. P. Gazette, dated 31st July, 1867, p. 511.

[b] These references to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s. 4, in Burma Code, Ed. 1889, p. 364. The Chief Commissioner is now Chief Commissioner of Burma—see Proclamation, dated 25th September, 1886, in Gazette of India, 1886, Pt. I, p. 539.

[c] The word "and" was inserted by Act XII of 1891.

such house, enclosure, room or place, whether by way of charge for the use of the instruments of gaming, or of the house, enclosure, room or place, or otherwise howsoever:

words in the singular include the plural, and *vice versâ*, and — Number.

words denoting the masculine gender include females. — Gender.

2. [a]Sections 13 and 17[a] of this Act shall extend to the whole of the said territories; and it shall be competent to the Lieutenant-Governor or the Chief Commissioner, as the case may be, whenever he may think fit, to extend, by a notification to be published in three successive numbers of the official Gazette, all or any of the remaining sections of this Act to any city, town, suburb, railway-station-house and place being not more than three miles distant from any part of such station-house within the territories subject to his government or administration, and in such notification to define, for the purposes of this Act, the limits of such city, town, suburb or station-house, and from time to time to alter the limits so defined. — Power to extend Act.

From the date of any such extension, so much of any rule having the force of law which shall be in operation in the territories to which such extension shall have been made, as shall be inconsistent with or repugnant to any section so extended, shall cease to have effect in such territories.

3. Whoever, being the owner or occupier, or having the use, of any house, walled enclosure, room or place situate within the limits to which this Act applies, opens, keeps or uses the same as a common gaming-house; and — Penalty for owning or keeping, or having charge of, gaming-house.

whoever, being the owner or occupier of any such house, walled enclosure, room or place as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; and

whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and

whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, walled enclosure, room or place,

shall be liable to a fine not exceeding two hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code,[b] for any term not exceeding three months. [c] — XLV of 1860.

[a-a] These words and figures were substituted for the original words and figures by Act XII of 1891.

[b] See Act XLV of 1860, s. 53. (For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.)

[c] As to enhanced punishment for a second conviction of an offence under s. 3 or s. 4, see s. 15, *infra*, p. 49.

Penalty for being found in gaming-house.

4. Whoever is found in any such house, walled enclosure, room or place, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code, [a] for any term not exceeding one month; [b] XLV of 1860.

and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Power to enter and authorize police to enter and search.

5. If the Magistrate of a district or [c]other officer invested with the full powers of a Magistrate,[c] or the District Superintendent of Police, upon credible information and after such enquiry as he may think necessary, has reason to believe that any house, walled enclosure, room or place is used as a common gaming-house,

he may either himself enter, or by his warrant authorize any officer of police, not below such rank as the Lieutenant-Governor or Chief Commissioner shall appoint in this behalf, to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, walled enclosure, room or place,

and may either himself take into custody, or authorize such officer to take into custody, all persons whom he or such officer finds therein, whether or not then actually gaming;

and may seize or authorize such officer to seize all instruments of gaming, and all moneys and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein;

and may search or authorize such officer to search all parts of the house, walled enclosure, room or place, which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody;

and may seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search.

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[a] See Act XLV of 1860, s. 53. (For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.)

[b] As to enhanced punishment for a second conviction of an offence under s. 3 or s. 4, see s. 15, *infra*, p. 49.

[c-c] *Read* Magistrate of the first class—see Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

6. When any cards, dice, gaming-tables, cloths, boards or other instruments of gaming are found in any house, walled enclosure, room or place entered or searched under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, walled enclosure, room or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or police-officer or any of his assistants.

Finding cards, etc., in suspected houses, to be evidence that such houses are common gaming-houses.

7. If any person found in any common gaming-house entered by any Magistrate or officer of police under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may upon conviction before the same or any other Magistrate be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

Penalty on persons arrested for giving false names and addresses.

8. On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all moneys seized therein to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

On conviction for keeping gaming-house, instruments of gaming to be destroyed.

9. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager or stake.

Proof of playing for stakes unnecessary.

10. It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, walled enclosure, room or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation, and give evidence touching any unlawful gaming in such house, walled enclosure, room or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, walled enclosure, room or place or any part thereof, of any Magistrate or officer authorized as aforesaid.

Magistrate may require any person apprehended to be sworn and give evidence.

No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate, or by or before any Court on any proceeding or trial in any ways relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself.[c]

Any such person so required to be examined as a witness, who refuses to make oath or take affirmation accordingly, or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person committing the offence described in section 178 or section 179 (as the case may be) of the Indian Penal Code.[a] XLV of 1860.

Witnesses indemnified.

11. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Act not to apply to certain games.

12. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill wherever played.

Gaming and setting birds and animals to fight in public streets.

13. A police-officer may apprehend without warrant—

any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming, used in playing any game not being a game of mere skill, in any public street, place or thoroughfare situated within the limits aforesaid, or

any person setting any birds or animals to fight in any public street, place or thoroughfare situated within the limits aforesaid, or

any person there present aiding and abetting such public fighting of birds and animals.

Such person when apprehended shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty rupees, or to

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

imprisonment, either simple or rigorous, for any term not exceeding one calendar month;

and such police-officer may seize all instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magistrate may on conviction of the offender order such instruments to be forthwith destroyed.

Destruction of instruments of gaming found in public streets.

14. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed.

Offences by whom triable.

But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, 1882,[a] as to the amount of fine or imprisonment he may inflict.

X of 1882.

15. Whoever, having been convicted of an offence punishable under section 3 or section 4 of this Act, shall again be guilty of any offence punishable under either of such sections, shall be subject for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description:

Penalty for subsequent offence.

Provided that he shall not be liable in any case to a fine exceeding six hundred rupees, or to imprisonment for a term exceeding one year.

16. The Magistrate trying the case may direct any portion of any fine which shall be levied under sections 3 and 4 of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer.

Portion of fine may be paid to informer.

17. All fines imposed under this Act may be recovered in the manner prescribed by sections 386, 387 and 389 of the Code of Criminal Procedure, 1882,[b] and such fines shall (subject to the provisions contained in the last preceding section) be applied as the Lieutenant-Governor or Chief Commissioner, as the case may be, shall from time to time direct.

X of 1882.

Recovery and application of fines.

18. [*Offences under this Act to be "offences" within meaning of Penal Code.*] *Repealed by Act XVI of 1874.*

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[a] The reference to Act XXV of 1861 is altered in accordance with Act X of 1882, s. 3. See now ss. 32 and 446 of the latter Act. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

[b] The reference to Act XXV of 1861, s. 61, is altered in accordance with Act X of 1872, Sch. V, and Act X of 1882, s. 3.

THE PRISONS ACT, 1870.

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ACT No. XXVI OF 1870.[a]

(*Received the Governor General's assent on the 3rd October, 1870.*)

An Act to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in the North-Western Provinces, the Punjab, Oudh, the Central Provinces, [b]Coorg and Burma, [b] and to provide rules for the regulation of such prisons; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Prisons Act, 1870. Short title.

It extends only to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Punjab, and under the administration of the Chief Commissioners of Oudh, the Central Provinces [c]and British Burma.[c] Local extent.

[*Commencement.*] *Repealed by Act XVI of 1874.*

2. [*Repeal of enactments.*] *Repealed by Act XII of 1873.*

3. In this Act— Interpretation-clause.

"prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison;

"criminal prisoner" means any prisoner charged with or convicted of a crime; and

"civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide, for the prisoners in the territories under such Government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act[d] in respect of the separation of prisoners. Local Government to provide prison-accommodation.

5. Whenever it appears to the Local Government that the number of Temporary

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[a] Act XXVI of 1870 is based on 28 & 29 Vict., c. 126.
[b-b] These words were substituted for the original words by Act XII of 1891.
[c-c] *Now read* Coorg and Burma—see preamble and s. 6.
[d] See s. 30, *infra*, p. 58.

shelter of prisoners.

prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Inspector General of Prisons.

6.[a] An Inspector General of Prisons shall be appointed in the North-Western Provinces, the Punjab and Oudh by the Local Government, and in the Central Provinces, [b]Coorg and Burma,[b] by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

Officers of prison.

7. For every prison there shall be a superintendent, a medical officer (who may also be the superintendent), a gaoler and such subordinate officers as the Local Government thinks necessary.

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a deputy medical officer and a deputy gaoler.

Appointment of officers.

8. The Local Government shall appoint the superintendent and the medical officer and the deputy medical officer.

The superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the gaoler and deputy gaoler.

The superintendent shall also appoint the subordinate officers.

Salaries, suspension and dismissal of officers.

9. Every officer appointed under this Act shall receive such salary as [c] the Local Government directs; and may be suspended or dismissed by the authority appointing him:

Provided that no gaoler or deputy gaoler shall be dismissed without the consent of the Inspector General of Prisons.

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[a] This first paragraph was substituted for the original paragraph by Act XIV of 1878, s. 2, printed, N.-W. P. & Oudh Code, Ed. 1892, p. 339.

[b-b] These words were substituted for the original words by Act XII of 1891.

[c] Words repealed by Act XII of 1891 are omitted.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

CHAPTER III.

Duties of Officers.

Generally.

10. All officers of a prison shall obey the directions of the superintendent: all subordinate officers shall perform such duties as may be directed by the gaoler with the sanction of the superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him. **Officers to obey superintendent.**

11. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner. **Officers not to sell or let to prisoners.**

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far as is expressly allowed by rules made under section 54, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner. **Officers not to contract with prisoners; nor to benefit by sales.**

Superintendent.

13. Subject to the orders of the Inspector General of Prisons, the superintendent shall— **Duties of superintendent.**

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

correspond on all matters connected with the prison with and through the Inspector General:

submit to the Inspector General all bills of prison-expenditure with proper vouchers for audit:

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease:

send to the Inspector General returns of all prisoners sentenced to transportation:

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General:

and, generally, obey all rules made under section 54 for the guidance of the superintendent.

The superintendent shall also obey all orders respecting the prison given

by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

Medical Officer.

Power to make rules as to medical officer's duties.

14. The Local Government shall make rules as to each of the following matters :—

how often the medical officer shall visit the prison and see each prisoner :

the records to be made respecting sick prisoners :

periodical inspection of every part of the prison :

reports on its cleanliness, drainage, warmth and ventilation :

reports on the provisions, water, clothing and bedding supplied to the prisoners.

Medical officer to obey rules :

The medical officer shall obey such rules.

to report special cases :

15. Whenever the medical officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the medical officer shall report the case in writing to the superintendent, together with such directions as the medical officer thinks proper.

to make entries as to death of prisoners.

16. On the death of any prisoner, the medical officer shall forthwith record in writing the following particulars, namely,—

when the deceased was taken ill,

when the medical officer was first informed of the illness,

the nature of the disease,

when the prisoner died,

and (in cases where a *post mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the medical officer to be required.

Deputy medical officer.

17. Where a deputy medical officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the medical officer.

Subordinate medical officer.

When there is no deputy medical officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordinate medical officer to act as a substitute for the medical officer, and the subordinate medical officer so appointed shall perform all the duties of the medical officer.

Gaoler.

18. The gaoler shall reside in the prison, unless the superintendent permits him in writing to reside elsewhere. The gaoler shall not, without the Inspector General's sanction, be concerned in any other employment. Residence of gaoler.

19. The gaoler shall deliver to the medical officer daily a list of such prisoners as are confined in punishment-cells. Gaoler to deliver list of prisoners in punishment-cells:

20. Upon the death of a prisoner, the gaoler shall give immediate notice thereof to the superintendent. to give notice of death of prisoners:

21. The gaoler shall keep, or cause to be kept, the following records:— to keep enumerated books and accounts:

(1) a register of warrants;

(2) a book shewing when each prisoner is to be released;

(3) a punishment-book for the entry of the punishments inflicted for prison-offences;

(4) a visitors' book for the entry of any observations made by visitors to the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules made under section 54.

22. The gaoler shall be responsible for the safe custody of the records to be kept by him under section 21, and also for the commitments and all other documents confided to his care. responsible for safe custody of documents:

23. The gaoler shall not be absent from the prison for a night without permission in writing from the superintendent; but, if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the superintendent. not to be absent without leave.

24. Where a deputy gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section 54 to be performed by the gaoler. Deputy gaoler.

Where there is no deputy gaoler, or where his services are not available by reason of sickness or other cause, the superintendent shall, when the gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the gaoler.

Subordinate Officers.

25 The officer acting as gate-porter, or any other officer of the prison, Powers of gate-porter.

may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and, if any such articles or property be found, shall give immediate notice thereof to the gaoler.

Subordinate officers not to be absent without leave.

26. Subordinate officers shall not be absent from the prison without leave from the superintendent, or from the gaoler, and before absenting themselves they shall leave their keys in the gaoler's office.

CHAPTER IV.

Admission, Removal and Discharge of Prisoners.

Prisoners to be searched on entrance.

27. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Medical examination of criminal prisoners.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the medical officer, who shall enter in a book, to be kept by the gaoler, a record of the state of the prisoner's health, and any observations which the medical officer thinks fit to add.

Effects of criminal prisoners retained.

28. All money or other effects in respect whereof no order of a competent Court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the gaoler.

Medical examination before removal and discharge of prisoners.

29. All prisoners, previously to being removed to any other prison, shall be examined by the medical officer.

No prisoner shall be removed to any other prison unless the medical officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the medical officer, such discharge is safe.

CHAPTER V.

Discipline of Prisoners.

Requisitions of Act as to separation of prisoners.

30. The requisitions of this Act, with respect to the separation of prisoners, are as follows:—

(1) in a prison containing female prisoners as well as males, the women

shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the men;

(2) in a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners;

(3) criminal prisoners before trial shall be kept apart from convicted prisoners;

(4) civil prisoners shall be kept apart from criminal prisoners.

Rules as to separate confinement.

31. The Local Government shall have power to make rules—

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison-rules may be confined separately.

Cells to be furnished with means of communication.

32. No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Prisoners under sentence of death.

33. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the gaoler, and all articles shall be taken from him which the gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

CHAPTER VI.

Food, Clothing and Bedding of Prisoners.

Civil prisoner may maintain himself.

34. A civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources, at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.

Civil prisoner not to sell provisions.

35. No part of any food, clothing, bedding or other necessaries belonging to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the superintendent thinks proper.

Allowance of clothing and bedding.

36. Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the superintendent with such clothing and bedding as may be necessary.

Judgment-creditor to defray such allowance.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

CHAPTER VII.

Employment of Prisoners.

Work and earnings of civil prisoners.

37. Civil prisoners may, with the superintendent's permission, work and follow their respective trades and professions.

Civil prisoners finding their own implements and not maintained at the expense of the prison shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the superintendent, for the use of implements and the cost of maintenance.

Examination by medical officer of labouring prisoners.

38. The medical officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the medical officer certifies that he is fit for such employment.

But, if the medical officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the gaoler so to employ him.

Employment of criminal prisoners sentenced to simple imprisonment.

39. Provision shall be made by the superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

The superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

CHAPTER VIII.

Health of Prisoners.

40. The names of prisoners desiring to see the medical officer or appearing out of health in mind or body shall be reported by the officer attending them to the gaoler.

Names of sick prisoners to be reported to gaoler.

The gaoler shall, without delay, call the attention of the medical officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect the medical officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

Gaoler to report them to medical officer.

41. All directions given by the medical officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the medical officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the gaoler thinks fit to make, and the date of the entry.

Entry of directions by medical officer.

42. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

Infirmaries.

CHAPTER IX.

Visits to, and Correspondence of, Prisoners.

43. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison, of persons with whom prisoners before trial may desire to communicate.

Visits to prisoners.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline.

Correspondence of prisoners.

44. The gaoler may demand the name and address of any visitor to a prisoner; and, when the gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

Powers of gaoler as to visitors.

In case of any such visitor refusing to be searched, the gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

CHAPTER X.

Offences in relation to Prisons.

Carrying liquor, tobacco or drugs into prison;

45. Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce, into any prison, or any place provided under section 5 for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug,

suffering liquor, etc., to be sold or used in prison;

and every officer of a prison who knowingly suffers any such liquor, tobacco or drug to be sold or used in such prison or place contrary to such regulations,

carrying letters into and out of prison;

and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations, into or out of any such prison or place,

abetment of such offences.

and whoever abets within the meaning of the Indian Penal Code[a] any offence made punishable by this section, XLV of 1860.

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Notice of penalties to be placed outside prison.

46. The superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section 45.

CHAPTER XI.

Prison-offences.

List of prison-offences.

47. The following acts are declared to be offences against prison-discipline:—

(1) wilful disobedience to the regulations of the prison by any prisoner;

(2) assault [b] or use of criminal force by any prisoner;

(3) insulting or threatening language by any prisoner to any officer or prisoner;

(4) indecent or disorderly behaviour by any prisoner;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

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[a] See Act XLV of 1860, Chap. V. (For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.)

[b] The word "assault" was substituted for the original word by Act XII of 1891.

(7) filing or cutting irons or bars;
(8) idleness or negligence at work by any convicted criminal prisoner;
(9) wilful mismanagement of work by any convicted criminal prisoner;
(10) wilful damage to prison-property;
(11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Superintendent's power to punish prison-offenders.

48. The superintendent may examine any person touching such offences, and determine thereupon, and punish such offences—

(1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;
(2) by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe;
(3) by corporal punishment[a] not exceeding thirty stripes of a ratan; or
(4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The gaoler shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the superintendent.

Punishment of prisoners by Magistrate.

49. If any prisoner is guilty of repeated offences against prison-discipline, or is guilty of any offence against prison-discipline which the superintendent thinks is not adequately punishable under section 48, the superintendent shall report the same to the Magistrate of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District.

Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished—

by confinement in a punishment-cell or in irons[a] for any term not exceeding six months,

or by corporal punishment[a] not exceeding thirty stripes of a ratan,

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

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[a] As to females and civil prisoners, see exception in s. 49, last para.

Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

Corporal punishment.

50. All corporal punishment within the prison shall be inflicted in the presence of the superintendent, subject to the law[a] for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Penalty on officers ill-treating prisoners or violating rules.

51. Every gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section 54, shall be liable, on conviction before the superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law[b] for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

Confinement in irons of prisoners sentenced to rigorous imprisonment.

52. Whenever the superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, the superintendent may so confine them.

Confinement in irons by gaoler of his own authority.

53. Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the gaoler of his own authority, and notice thereof shall be forthwith given to the superintendent.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the goaler as his warrant.

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[a] See now Act X of 1882, ss. 390 to 395. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

[b] See Act I of 1868, s. 5, in General Acts, 1867-76, Ed. 1887, p. 19.

54. The Local Government may, from time to time, make rules consistent with this Act— Power to make supplementary prison-rules.

(1) for the government of prisons and for the guidance of all officers appointed hereunder:

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon:

(3) as to the food and clothing of criminal prisoners:

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for rewards for good conduct; and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

55. All rules now in force relating to any of the matters mentioned in sections 14, 31, 39 and 54 shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively. Present rules.

56. All or any of the powers and duties conferred and imposed by this Act on a superintendent may be exercised and performed by such other officer as the Local Government from time to time appoints in this behalf. Exercise of powers of superintendent.

SCHEDULE.

[ENACTMENTS REPEALED.]

Repealed by Act XII of 1873.

ACT No. XXII OF 1871.

(*Received the Governor General's assent on the 1st August, 1871.*)

An Act to authorise the extension of the Chaukidari Act to places where there is no Jamadar of Police.

WHEREAS by Act No. XX of 1856[a] (*to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns, Stations, Suburbs and Bazars in the Presidency of Fort William in Bengal*), section 2, the Local Government is restrained from extending that Act to any city, Preamble.

[a] Printed *supra*, p. 27.

town, suburb or bazar, unless there be therein (or in some other city, town, suburb or bazar with which the same may be united as thereinafter provided) a police-station under an officer of a grade not below that of a jamadar; and whereas it is expedient to remove such restriction and in other respects to amend the said Act; It is hereby enacted as follows :—

Amendment of section 2, Act XX of 1856.

1. Instead of the second section of the said Act, the following shall be read :—

[Printed *supra*, p. 28.]

Amendment of section 11.

2. Instead of section 11 of the said Act, the following shall be read :—

[Printed *supra*, p. 29.]

Amendment of section 38.

3. Instead of section 38 of the said Act, the following shall be read :—

[Printed *supra*, p. 34.]

Amendment of section 41.

4. In the 41st section of the said Act, instead of the words "on the twentieth of each calendar month," there shall be read the words "on the tenth day after the date fixed for the payment of instalments of the tax."

5. [*Repeal of parts of Appendices A and C.*] *Repealed by Act XII of 1891.*

Construction.

6. This Act shall be read with, and taken as part of, the said Act XX[a] of 1856.[b]

THE CRIMINAL TRIBES ACT, 1871.

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[a] Printed *supra*, p. 27.
[b] Words repealed by Act XII of 1891 are omitted.

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ACT No. XXVII OF 1871.[a]

(*Received the Governor General's assent on the 12th October, 1871.*)

An Act for the Registration of Criminal Tribes and Eunuchs.

WHEREAS it is expedient to provide for the registration, surveillance and Preamble

[a] Act XXVII of 1871 was extended to Ajmere-Merwara by notification under the Scheduled Districts Act, 1874,—see Appendix, p. iv.

control of certain criminal tribes and eunuchs; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Criminal Tribes Act, 1871.

[*Commencement.*] *Repealed by Act XVI of 1874.*

Local extent.

This section and section 20 extend to the whole of British India: the rest of this Act extends only to the territories under the governments of the Lieutenant-Governors of Bengal,[a] the North-Western Provinces and the Punjab, respectively, and under the administration of the Chief Commissioner of Oudh.

PART I.

CRIMINAL TRIBES.

Local Government to report what tribes should be declared criminal.

2. If the Local Government has reason to believe that any tribe, gang or class of persons is addicted to the systematic commission of non-bailable offences, it may report the case to the Governor General in Council, and may request his permission to declare such tribe, gang or class to be a criminal tribe.

Report to contain certain particulars.

3. The report shall state the reasons why such tribe, gang or class is considered to be addicted to the systematic commission of non-bailable offences, and, as far as possible, the nature and the circumstances of the offences in which the members of the tribe are supposed to have been concerned; and shall describe the manner in which it is proposed that such tribe, gang or class shall earn its living when the provisions hereinafter contained have been applied to it.

Occupation of wandering tribe to be stated;

4. If such tribe, gang or class has no fixed place of residence, the report shall state whether such tribe, gang or class follows any lawful occupation, and whether such occupation is, in the opinion of the Local Government, the real occupation of such tribe, gang or class, or a pretence for the purpose of facilitating the commission of crimes, and shall set forth the grounds on which such opinion is based; and the report shall also specify the place of residence in which such wandering tribe, gang or class is to be settled under the provisions hereinafter contained, and the arrangements which are proposed to be made for enabling it to earn its living therein.

also proposed residence and means of livelihood.

Notification declaring tribe to be criminal.

5. If, upon the consideration of any such report, the Governor General in Council is satisfied that the tribe, gang or class to which it relates ought to be declared criminal, and that the means by which it is proposed that such tribe,

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[a] The word "Bengal" was inserted by Act VII of 1876, s. 1, printed *infra*, p. 78.

gang or class shall earn its living are adequate, he may authorize the Local Government to publish in the local Gazette a notification declaring that such tribe, gang or class is a criminal tribe, and thereupon the provisions of this Act shall become applicable to such tribe, gang or class.

Bar of jurisdiction of Courts in questions relating to notification.

6. No Court of Justice shall question the validity of any such notification on the ground that the provisions hereinbefore contained, or any of them, have not been complied with, or entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that the provisions of this Act are applicable to the tribe, gang or class specified therein.

Register of members of such tribes.

7. When the notification mentioned in section 5 has been published, the Local Government may direct the Magistrate of any district in which such tribe, gang or class, or any part thereof, is at the time resident, to make a register of the members of such tribe, gang or class, or of any part thereof.

The declaration of the Local Government that any such tribe, gang or class, or any part of it, is resident in any district shall be conclusive proof of such residence.

Procedure in making register.

8. Upon receiving such direction, the said Magistrate shall publish a notice in the place where the register is to be made, calling upon all the members of such tribe, gang or class, or of such portion thereof as is directed to be registered, to appear, at a time and place therein specified, before such persons as he appoints, and to give those persons such information as may be necessary to enable them to make the register.

Penalties for failing to appear, refusing or giving false information.

9. Any member of any such tribe, gang or class who, without lawful excuse, the burthen of proving which shall lie upon him,

shall fail to appear according to such notice,

or who shall intentionally omit to furnish such information,

or who shall furnish, as true, information on the subject which he knows or has reason to believe to be false,

shall be deemed guilty of an offence under the first parts of section 174, or 176, or 177 of the Indian Penal Code,[a] respectively, as the case may be.

XLV of 1860

Charge of register.

Reporting desirable alterations.

10. The register, when made, shall be kept by the District Superintendent of Police, who shall, from time to time, report to the said Magistrate any alterations which ought to be made therein, either by way of addition or erasure.

By whom alterations to be made.

11. No alteration shall be made in such register except by or by order of the said Magistrate, and he shall write his initials against every such altera-

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

Notice to persons affected.

tion. Notice shall be given of any such intended alteration, and of the time when, and place where, it is to be made, to every person affected thereby.

Complaints of entries in register.

12. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register, either when the register is first made or subsequently, may complain to the said Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, or erase it therefrom, as he may see fit.

Every order for the erasure of any such person's name shall state the grounds on which such person's name is erased.

The Commissioner shall have power to review any order of entry, retention or erasure, passed by the said Magistrate on any such complaint, either on appeal by the person registered or proposed to be registered, or otherwise.

Settlement of tribe in place prescribed by Local Government.

13. Any tribe, gang or class, which has been declared to be criminal, and which has no fixed place of residence, may be settled in a place of residence prescribed by the Local Government.

Removal to other place.

14. Any tribe, gang or class which has been declared to be criminal, or any part thereof, may, by order of the Local Government, be removed to any other place of residence.

Arrangements to be made prior to settlement or removal.

15. No tribe, gang or class shall be settled or removed under the provisions of this Act until such arrangements as the Local Government shall, with the concurrence of the Governor General in Council, consider suitable, have been made for enabling such tribe, gang or class, or such part thereof as is to be so settled or removed, to earn a living in the place in or to which it is to be settled or removed.

Transfer of register of persons ordered to be removed.

16. When the removal of any persons has been ordered under this Act, the register of such persons' names shall be transferred to the District Superintendent of Police of the district to which such persons are removed, and the Magistrate of the said district and the Commissioner of the division in which it is situated shall thereupon be empowered to exercise respectively the powers provided in sections 11 and 12.

Power to place tribe in reformatory settlement.

17. The Local Government may, with the sanction of the Governor General in Council, place any tribe, gang or class, which has been declared to be criminal, or any part thereof, in a reformatory settlement.

Power to make rules.

18. The Local Government may, with the previous consent of the Governor General in Council, make rules to prescribe—

(1) the form in which the register shall be made by the said Magistrate;

(2) the mode in which the said Magistrate shall publish the notice prescribed in section 8, and the means by which the persons whom it con-

cerns, and the headmen, village-watchmen and landowners or occupiers of the village, in which such persons reside, [a] or the agents of such landowners or occupiers,[a] shall be informed of its publication;

(3) the mode in which the notice prescribed in section 11 shall be given;

(4) the limits within which persons whose names are on the register shall reside;

(5) conditions as to holding passes, under which such persons may be permitted to leave the said limits;

(6) conditions to be inserted in any such pass as to—

(*a*) the places where the holder of the pass may go or reside;

(*b*) the officers before whom, from time to time, he shall be bound to present himself;

(*c*) and the time during which he may absent himself;

(7) conditions as to answering at roll-call or otherwise, in order to satisfy the said Magistrate or persons authorized by him, that the persons whose names are on the register are actually present at given times within the said limits;

(8) the inspection of the residences and villages of any such tribe, gang or class, and the prevention or removal of contrivances for enabling the residents therein to conceal stolen property, or to leave their place of residence without leave;

(9) the terms upon which registered persons may be discharged from the operation of this Act;

(10) the mode in which criminal tribes shall be settled and removed;

(11) the control and supervision of reformatory settlements;

(12) the works on which, and the hours during which, persons placed in a reformatory settlement shall be employed, the rates at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour after defraying the whole or such part of the expenses of their supervision and control as to the Local Government shall seem fit;

(13) the discipline to which persons endeavouring to escape from any such settlement, or otherwise offending against the rules for the time being in force, shall be submitted, the periodical visitation of such settlement, and the removal from it of such persons as it shall seem expedient to remove;

(14) and, generally, to carry out the purposes of this Act.

[a-a] These words were inserted by Act VII of 1876, s. 2, printed *infra*, p. 78.

Penalties for breach of rules.

19. Any person violating any of the rules made under section 18 shall be punished with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments; and, on any second conviction for a breach of any of the said rules, with rigorous imprisonment which may extend to one year, or with fine, or with whipping to be inflicted in the manner prescribed by any law[a] in force for the time being in relation to whipping, or with all or any two of those punishments.

Arrest of registered person found beyond prescribed limits.

20. Any person registered under the provisions of this Act, who is found in any part of British India, beyond the limits so prescribed for his residence, without such pass as may be required by the said rules, or in a place or at a time not permitted by the conditions of his pass,

or who escapes from a reformatory settlement,

may be arrested without warrant by any police-officer or village-watchman, and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided, or to the reformatory settlement from which he has escaped (as the case may be), there to be dealt with according to the rules under this Act for the time being in force.

The rules for the time being in force for the transmission of prisoners shall apply to all persons removed under this section: Provided that an order from the Local Government or from the Inspector General of Prisons shall not be necessary for the removal of such persons.

Duties of village-headmen, village-watchmen, etc.

21. It shall be the duty of every village-headman and village-watchman in a village in which any persons belonging to a tribe, class or gang which has been declared criminal reside, and of every owner or occupier of land on which any such persons reside, [b]or of the agent of any such owner or occupier,[b] to give the earliest information in his power at the nearest police-station of—

(1) the failure of any such person to appear and give information, as directed in section 8;

(2) the departure of any such person from such village or from such land (as the case may be).

And it shall be the duty of every village-headman and village-watchman in a village, and of every owner or occupier of land, [c]or of the agent of such owner or occupier,[c] to give the earliest information in his power at the

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[a] See now Act X of 1882, ss. 390 to 395. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Depatrtment.)

[b-b, c-c] These words were inserted by Act VII of 1876, s. 2, printed *infra*, p. 78.

nearest police-station of the arrival at such village or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any such tribe, class or gang.

Penalty for breach of such duties.

22. Any village-headman, village-watchman, owner or occupier of land, [a]or the agent of such owner or occupier,[a] who shall fail to comply with the requirements of section 21, shall be deemed to have committed an offence under the first part of section 176 of the Indian Penal Code.[b]

XLV of 1860.

23. [*Indemnity for past registrations and detentions.*] *Repealed by Act XII of 1876.*

PART II.

EUNUCHS.

Registers of eunuchs and their property.

24. The Local Government shall cause the following registers to be made and kept up by such officer as, from time to time, it appoints in this behalf:—

(*a*) a register of the names and residences of all eunuchs residing in any town or place to which the Local Government specially extends this Part of this Act, who are reasonably suspected of kidnapping or castrating children, or of committing offences under section 377 of the Indian Penal Code,[b] or of abetting the commission of any of the said offences; and

XLV of 1860.

(*b*) a register of the property of such of the said eunuchs as, under the provisions hereinafter contained, are required to furnish information as to their property.

"Eunuch" defined.

The term "eunuch" shall, for the purposes of this Act, be deemed to include all persons of the male sex who admit themselves, or on medical inspection clearly appear, to be impotent.

Complaints of entries in register.

25. Any person deeming himself aggrieved by any entry made or proposed to be made in such register, either when the register is first made or subsequently, may complain to the said officer, who shall enter such person's name, or erase it, or retain it, as he sees fit.

Every order for erasure of such person's name shall state the grounds on which such person's name is erased.

The Commissioner shall have power to review any order passed by such officer on such complaint, either on appeal by the complainant or otherwise.

Penalty on registered

26. Any eunuch so registered who appears, dressed or ornamented like a

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[a-a] These words were inserted by Act VII of 1876, s 2, printed *infra*, p. 78.

[b] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department

eunuch appearing in female clothes; or dancing in public, or for hire.

woman, in a public street or place, or in any other place, with the intention of being seen from a public street or place,

or who dances or plays music, or takes part in any public exhibition, in a public street or place or for hire in a private house,

may be arrested without warrant, and shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Penalty on registered eunuch keeping boy under sixteen.

27. Any eunuch so registered who has in his charge, or keeps in the house in which he resides, or under his control, any boy who has not completed the age of sixteen years, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Maintenance and education of boys whose parents cannot be found.

28. The Magistrate may direct that any such boy shall be returned to his parents or guardians, if they can be discovered. If they cannot be discovered, the Magistrate may make such arrangements as he thinks necessary for the maintenance and education of such boy, and may direct that the whole or any part of a fine inflicted under section 27 may be employed in defraying the cost of such arrangements.

The Local Government may direct out of what local or municipal fund so much of the cost of such arrangements as is not met by the fine imposed shall be defrayed.

Disabilities of registered eunuchs.

29. No eunuch so registered shall be capable—

(*a*) of being or acting as guardian to any minor,

(*b*) of making a gift,

(*c*) of making a will, or

(*d*) of adopting a son.

Power to require information as to registered eunuch's property.

30. Any officer authorized by the Local Government in this behalf may, from time to time, require any eunuch so registered to furnish information as to all property, whether moveable or immoveable, of or to which he is possessed or entitled, or which is held in trust for him.

Penalty for refusing such information.

Any such eunuch intentionally omitting to furnish such information, or furnishing, as true, information on the subject which he knows, or has reason to believe, to be false, shall be deemed to have committed an offence under section 176 or 177 of the Indian Penal Code,[a] as the case may be. XLV of 1860.

Rules for making and keeping up registers of eunuchs.

31. The Local Government may, with the previous sanction of the Governor General in Council, make rules for the making and keeping up and charge of registers made under this Part of the Act.

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

ACT No. XV OF 1875.[a]

(*Received the Governor General's assent on the 15th July, 1875.*)

An Act to amend the Punjab Laws Act, 1872.[b]

WHEREAS, in order to provide for the establishment of rural police and for the more efficient administration of law in the Punjab, it is expedient to amend the Punjab Laws Act, 1872[b]; It is hereby enacted as follows:— Preamble. IV of 1872.

1. This Act may be called the Punjab Laws Amendment Act, 1875: Short title.

It extends to the territories for the time being under the government of the Lieutenant-Governor of the Punjab; Local extent.

and it shall come into force at once. Commencement.

2. The said Punjab Laws Act, 1872, [b] shall be read as if the following sections were inserted next after section 39 thereof:— Addition to Act IV of 1872.

"39A. The Local Government may establish a system of village-watchmen in any part of the territories under its administration and not comprised within the limits of a municipality, and in furtherance of this object may from time to time make rules to provide for the following matters:— Power to establish village-watchman-system and to make rules.

(*a*) the definition of the limits of watchmen's beats;

(*b*) the determination of the several grades of watchmen, and the number of each grade to be appointed to each beat;

(*c*) the appointment, suspension, dismissal and resignation of watchmen of each grade;

(*d*) the equipment and discipline of, and the control and supervision over, such watchmen;

(*e*) the conferring upon them, and the exercise by them, of any powers, and the enjoyment by them of any protection or privilege, which may be exercised and enjoyed by a police-officer under any Act for the time being in force;

(*f*) the performance by them of such duties relating to police, sanitation or statistics, or for the benefit of the village-communities within their beat, as the Local Government thinks fit;

(*g*) the exercise of authority over, and the rendering of aid to, such watchmen, by the headmen of the villages comprised in their respective beats;

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[a] Act XV of 1875 was extended to Ajmere-Merwara by notification under the Scheduled Districts Act, 1874, "with the necessary verbal alteration for application to Ajmere-Merwara instead of to the Punjab,"—see Appendix, p. iv.

[b] For Act IV of 1872 see the revised edition, as modified up to 1st July, 1891, published by the Legislative Department.

(*h*) the performance, by the headmen of the villages comprised in the beat, of any of the duties of a village-watchman in aid of, or substitution for, such watchman;

(*i*) the exercise, by such village-headmen, of any of the powers, and the enjoyment by them of any privilege or protection, of a village-watchman for the purposes referred to in clauses (*g*) and (*h*) of this section;

(*j*) the determination of the rate at which, and the mode in which, watchmen shall be paid, and of the mode in which their pay, the expenses of their equipment, and other charges connected with the village-watchman system shall be provided for, whether out of cesses or funds already leviable or available in the villages comprised in the beat, or by a special tax in money or kind to be imposed on any class of persons residing or owning property in or resorting to such villages, or partly in one of these ways and partly in the other;

(*k*) the collection with or without the aid of the village-headmen, and by any process available for the realization of the land-revenue, of any tax imposed under clause (*j*) of this section, and the application of, and the mode of accounting for, the same;

(*l*) the efficient working of the village watchman system generally:

"Provided—

1st, that the rules to be made regarding the appointment of village-watchmen shall allow to the headmen of the villages comprised in the beat to which such a watchman is to be appointed, a power of nomination to be exercised in such manner, and subject to such reasonable conditions, as may be prescribed by such rules;

2ndly, that the rules to be made under clause (*j*) of this section shall include provisions for recording and securing due consideration of the views and opinions of the headmen of such beat on the matters therein referred to.

Obligation to assist watchmen and headmen.

"39B. Every person is bound to render to a village-watchman or village-headman discharging the duties of a police-officer under the rules made hereunder all the assistance which he is bound to render to a police-officer.

Person obstructing watchman or headman may be arrested without warrant.

"Any person who obstructs such watchman or headman in the discharge of such duties may be arrested without warrant by a police-officer or by any village-headman or watchman empowered in this behalf by the Local Government.

Power to direct local taxation for pay-

"39C. Whenever it seems to the Local Government expedient that the duties of watch and ward and other internal police-service of any town or

village not comprised within the limits of a municipality or within the limits of a village-watchman's beat, as defined under the power conferred by section 39A, should be performed by police-officers enrolled under Act V of 1861,[a] the Local Government may direct that the said service shall be so performed, and may also, with the previous sanction of the Governor General in Council, direct that the charges for the time being fixed by such Government on account of such service shall be defrayed by taxes to be levied in such town or village.

ment of police enrolled under Act V of 1861.

"39D. When the Local Government has, under section 39C, directed that taxes shall be levied in any town or village, the Deputy Commissioner may from time to time issue a public notice in such town or village, explaining the nature of the taxes he proposes to levy.

Issue of notice of taxes proposed to be levied.

"Any inhabitant of such town or village objecting to the taxation thus proposed may, within fifteen days from the publication of such notice, send his objection in writing to the Deputy Commissioner.

Objections to taxation.

"After the expiry of fifteen days from the publication of the notice the Deputy Commissioner may submit for the information of the Local Government a report of the proposal made by him. Such report shall contain specific mention of the objections (if any) urged to his proposal and his opinion on such objections.

Procedure thereon.

"No such tax shall be levied until it has, upon such report, been approved by the Local Government.

"39E. When any such tax has been so approved by the Local Government, the Deputy Commissioner may from time to time, subject to such rules consistent with this Act as the Local Government may from time to time prescribe, determine the rates at which it is to be levied.

Power to fix rates of tax.

"39F. The Local Government may from time to time make rules to provide for the collection of such taxes by any process available for the realization of the land-revenue, and to regulate the application and mode of accounting for the same."

Power to make rules for collection of taxes.

"39G. [*Validation clause.*] *Repealed by Act XII of 1891.*

IV of 1872. 3. Section 50 of the said Punjab Laws Act [b] is repealed, and in lieu thereof there shall be read the following :—

Substitution of new section for section 50.

"50. The Local Government may from time to time make rules as to the matters mentioned in sections 43 to 49 inclusive.

Power to make rules.

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[a] For Act V of 1861 see the revised edition, as modified up to 1st August, 1892, published by the Legislative Department.

[b] For Act IV of 1872 see the revised edition, as modified up to 1st July, 1891, published by the Legislative Department.

Existing rules.

"All existing rules upon such matters, which might have been made under this section had it been in force, shall be deemed to have been made hereunder.

Conditions of validity of rules hereafter made under this Act.

"50A. No rules hereafter made by the Local Government under any power conferred by this Act shall be valid unless—

(*a*) they are consistent with the laws for the time being in force in the Punjab;

(*b*) they are published in the official Gazette;

(*c*) previous to such publication they are sanctioned by the Governor General in Council.

Penalties for breach of such rules.

"50B. The Local Government may, in making any rule under any of the powers conferred by this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment on conviction before a Magistrate not exceeding six months' imprisonment, or three hundred rupees fine, or both."

ACT No. VII OF 1876.[a]

(*Received the Governor General's assent on the 21st March, 1876.*)

An Act to extend the Criminal Tribes Act, 1871, to the Lower Provinces of Bengal and to amend the same Act.

Preamble.

WHEREAS it is expedient to extend Act No. XXVII of 1871 (*for the Registration of Criminal Tribes and Eunuchs*) to the Lower Provinces of Bengal and to amend the same Act in manner hereinafter appearing; It is hereby enacted as follows :—

Amendment of section 1, Act XXVII of 1871.

1. Section 1 of the said Act shall be read as if, after the words "Lieutenant-Governors of," the following word were inserted (namely), "Bengal".

Amendment of section 18.

2. Section 18 of the said Act shall be read as if in the second clause, after the words "persons reside," the following words were inserted (namely), "or the agents of such landowners or occupiers."

Amendment of section 21.

Section 21 of the said Act shall be read as if in the first clause, after the words "persons reside," the following words were inserted (namely), "or of the agent of any such owner or occupier,"

and as if in the fourth clause, after the words "occupier of land," the following words were inserted (namely), "or of the agent of such owner or occupier."

Amendment of section 22.

And section 22 of the same Act shall be read as if, after the words "occupier of land," the following words were inserted (namely), "or the agent of such owner or occupier."

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[a] See Notification No. 171J, dated 19th October, 1877, in Appendix, p. iii, extending Act XXVII of 1871 to Ajmere-Merwara. That extension doubtless includes Act VII of 1876.

THE NORTHERN INDIA FERRIES ACT, 1878.

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ACT No. XVII OF 1878.

(*Received the Governor General's assent on the 9th November, 1878.*)

An Act to regulate Ferries in Northern India.

Preamble.

WHEREAS it is expedient to regulate ferries in the Punjab, the North-Western Provinces, Oudh, the Central Provinces, Assam and Ajmere and Merwara; It is hereby enacted as follows:—

I.—PRELIMINARY.

Short title.

1. This Act may be called the Northern India Ferries Act, 1878.

Local extent.

It extends only to the territories respectively administered by the Lieutenant-Governors of the Punjab and the North-Western Provinces and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmere and Merwara.

Commencement.

It shall come into force in each of the said territories on such date as the Local Government may, by notification in the official Gazette, fix in this behalf.

Repeal.

2. On and from the date on which it comes into force in the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the said Chief Commissioners, Bengal Regulation VI of 1819

shall be repealed therein; but all determinations, declarations, orders and rules made, engagements entered into, and securities taken, under that Regulation, and then in force, shall be deemed to be respectively made, entered into and taken under this Act.

Interpretation-clause.

3. In this Act the word "ferry" includes also a bridge of boats, pontoons or rafts, a swing-bridge, a flying-bridge and a temporary bridge, and the approaches to, and landing-places of, a ferry.

II.—Public Ferries.

Power to declare, establish, define and discontinue public ferries.

4. The Local Government may from time to time—

(*a*) declare what ferries shall be deemed public ferries, and the respective districts in which, for the purposes of this Act, they shall be deemed to be situate;

(*b*) take possession of a private ferry and declare it to be a public ferry;

(*c*) establish new public ferries where, in its opinion, they are needed;

(*d*) define the limits of any public ferry;

(*e*) change the course of any public ferry; and

(*f*) discontinue any public ferry which it deems unnecessary.

Every such declaration, establishment, definition, change or discontinuance shall be made by notification in the official Gazette:

Provided that, when a river lies between two Provinces, the powers conferred by this section shall, in respect of such river, be exercised by the Governor General in Council, by notification in the Gazette of India, and not otherwise:

Provided also that, when any alteration in the course or in the limits of a public ferry is rendered necessary by changes in the river, such alteration may be made, by an order under his hand, by the Commissioner of the division in which such ferry is situate, or by such other officer as the Local Government may, from time to time, appoint by name or in virtue of his office in this behalf.

Claims for compensation.

5. Claims for compensation for any loss sustained by any person in consequence of a private ferry being taken possession of under section 4 shall be enquired into by the Magistrate of the district in which such ferry is situate, or such officer as he appoints in this behalf, and submitted for the consideration and orders of the Local Government.

Superintendence of public ferries.

6. The immediate superintendence of every public ferry shall, except as provided in section 7, be vested in the Magistrate of the district in which

such ferry is situate, or in such other officer as the Local Government may, from time to time, appoint by name or in virtue of his office in this behalf;

and such Magistrate or officer shall, except when the tolls at such ferry are leased, make all necessary arrangements for the supply of boats for such ferry, and for the collection of the authorized tolls leviable thereat.

Management may be vested in municipality;

7. The Local Government may direct that any public ferry situate within the limits of a town be managed by the officer or public body charged with the superintendence of the municipal arrangements of such town;

and proceeds paid into municipal fund.

and may further direct that all or any part of the proceeds from such ferry be paid into the municipal fund of such town;

and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid, accordingly.

Letting ferry-tolls by auction.

[a]8. The tolls of any public ferry may, from time to time, be let by public auction for a term not exceeding five years with the approval of the Commissioner, or by public auction, or otherwise than by public auction, for any term with the previous sanction of the Local Government.

The lessee shall conform to the rules made under this Act for the management and control of the ferry, and may be called upon by the officer in whom the immediate superintendence of the ferry is vested, or, if the ferry is managed by a municipal or other public body under section 7 *or section 7A*,[b] then by that body, to give such security for his good conduct and for the punctual payment of the rent as the officer or body, as the case may be, thinks fit.

When the tolls are put up to public auction, the said officer or body, as the case may be, or the officer conducting the sale on his or its behalf, may, for reasons recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction.

Recovery of arrears from lessee.

9. All arrears due by the lessee of the tolls of a public ferry on account of his lease may be recovered from the lessee or his surety (if any) by the Magistrate of the district in which such ferry is situate as if they were arrears of land-revenue.

Power to cancel lease.

10. The Local Government may cancel the lease of the tolls of any public ferry on the expiration of six months' notice in writing to the lessee of its intention to cancel such lease.

When any lease is cancelled under this section, the Magistrate of the

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[a] This section was substituted for the original s. 8 by Act III of 1886, s. 1 (*1*), printed *infra*, p. 124.

[b] S. 7A does not apply to Ajmere Merwara

district in which such ferry is situate shall pay to the lessee such compensation as such Magistrate may, with the previous sanction of the Local Government, award.

11. The lessee of the tolls of a public ferry may surrender his lease on the expiration of one month's notice in writing to the Local Government of his intention to surrender such lease, and on payment to the Magistrate of the district in which such ferry is situate of such compensation as such Magistrate, subject to the approval of the Commissioner, may in each case direct. Surrender of lease.

12. Subject to the control of the Local Government, the Commissioner of a division, or such other officer as the Local Government may, from time to time, appoint in this behalf, by name or in virtue of his office, may, from time to time, make rules consistent with this Act— Power to make rules.

(*a*) for the control and the management of all public ferries within such division, and for regulating the traffic at such ferries ;

[a] (*b*) for regulating the time and manner at and in which, and the terms on which, the tolls of such ferries may be let by auction, and prescribing the persons by whom auctions may be conducted ;

(*c*) for compensating persons who have compounded for tolls payable for the use of any such ferry when such ferry has been discontinued before the expiration of the period compounded for ; and

(*d*) generally to carry out the purposes of this Act ;

and, when the tolls of a ferry have been let under section 8, such Commissioner or other officer may, from time to time (subject as aforesaid), make additional rules consistent with this Act—

(*e*) for collecting the rents payable for the tolls of such ferries ;

(*f*) in cases in which the communication is to be established by means of a bridge of boats, pontoons or rafts, or a swing-bridge, flying-bridge or temporary bridge, for regulating the time and manner at and in which such bridge shall be constructed and maintained and opened for the passage of vessels and rafts through the same ; and

(*g*) in cases in which the traffic is conveyed in boats, for regulating (1) the number and kinds of such boats and their dimensions and equipment ; (2) the number of the crew to be kept by the lessee for each boat ; (3) the maintenance of such boats continually in good condition ; (4) the hours during which, and the intervals within which, the lessee shall be bound to ply ; and (5) the number of passengers,

[a] This clause was substituted for the original cl. (*b*) by Act III of 1886, s. 1 (*2*), printed *infra*, p. 124.

animals and vehicles, and the bulk and weight of other things, that may be carried in each kind of boat at one trip.

The lessee shall make such returns of traffic as the Commissioner or other officer as aforesaid may from time to time require.

Private ferry not to ply within two miles of public ferry without sanction.

13. [a] Except with the sanction of the Magistrate of the district, or of such other officer as the Local Government may, from time to time, appoint in this behalf, by name or in virtue of his office, no person shall establish, maintain or work a ferry to or from any point within a distance of two miles from the limits of a public ferry: [a]

Provided that, in the case of any specified public ferry, the Local Government may, by notification in the official Gazette, reduce or increase the said distance of two miles to such extent as it thinks fit:

Provided also that nothing hereinbefore contained shall—

prevent persons plying between two places, one of which is without, and one within, the said limits when the distance between such two places is not less than three miles, or

apply to boats [b] which do not ply for hire or [b] which the Local Government expressly exempts from the operation of this section.

Person using approaches, etc., liable to pay.

14. Whoever uses the approach to, or landing-place of, a public ferry is liable to pay the toll payable for crossing such ferry.

Tolls.

15. Tolls, according to such rates as are from time to time fixed by the Local Government, shall be levied on all persons, animals, vehicles and other things crossing any river by a public ferry and not employed or transmitted on the public service:

Provided that the Local Government may, from time to time, declare that any persons, animals, vehicles or other things shall be exempt from payment of such tolls.

Where the tolls of a ferry have been let under section 8, any such declaration, if made after the date of the lease [c] shall entitle the lessee to such abatement of the rent payable in respect of the tolls as may be fixed by the Commissioner of the division or such other officer as the Local Government may, from time to time, appoint in this behalf by name or in virtue of his office.

Table of tolls.

16. The lessee or other person authorized to collect the tolls of any public ferry shall affix a table of such tolls, legibly written or printed in the vernacu-

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[a-a] This paragraph was substituted for the original paragraph by Act III of 1886, s. 2 (*1*), printed *infra*, p 124.

[b-b] These words were inserted by Act III of 1886, s. 2 (*2*).

[c] "Lease" was substituted for the original word by Act III of 1886, s. 1 (*3*).

lar language, and also, if the Commissioner of the division so directs, in English, in some conspicuous place near the ferry,

and shall be bound to produce, on demand, a list of the tolls, signed by the Magistrate of the district or such other officer as he appoints in this behalf. List of tolls.

17. Except as provided by section 7, all tolls, rents and compensation received by or on behalf of Government, and all fines levied, under this Act shall be disposed of as follows,[a] that is to say— Tolls, rents, compensation and fines how disposed of.

(*a*) in the territories administered by the Lieutenant-Governor of the North-Western Provinces, the residue of such tolls, rents, compensation and fines after defraying thereout all charges incurred in carrying out this Act in those territories, shall be credited to the fund constituted for those territories by the North-Western Provinces Local Rates Act, 1878[b]; III of 1878.

(*b*) in the territories administered by the Chief Commissioner of Oudh, the residue as aforesaid shall be credited to the fund constituted for those territories by the Oudh Local Rates Act, 1878[c]; IV of 1878.

(*c*) in the territories respectively administered by the Lieutenant-Governor of the Punjab and the Chief Commissioner of the Central Provinces, such tolls, rents, compensation and fines shall be credited to the Local Government and applied, [d]in the first instance,[d] to defraying all charges incurred in carrying out this Act in those territories respectively, [e]and shall then, at the discretion of the Local Government,—

(*i*) be placed at the disposal of any District Board or District Boards established under the Punjab District Boards Act, 1883,[f] or, XX of 1883.

(*ii*) be applied to any of the purposes specified in the second clause of section 5 of the Central Provinces Additional Rates Act, 1878,[g] X of 1878.

as the case may be; and[e]

(*d*) in the territories respectively administered by the Chief Commissioner of Assam and the Chief Commissioner of Ajmere and Merwara, such tolls, rents, compensation and fines shall be credited to the

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[a] But see s. 27 *infra*, p. 87, as to payment of fines to lessee of public tolls.

[b, c] Printed, N.-W. P. & Oudh Code, Ed 1892, pp. 329 and 335, respectively.

[d, d, e, e] These words and figures were substituted for the original words and figures by Act XII of 1891.

[f] Printed, Punjab Code, Ed. 1888, p. 166.

[g] Printed, Central Provinces Code, Ed. 1891, p. 81.

Local Government and applied, first, to defraying all charges incurred in carrying out this Act in those territories respectively, and then to such local works and establishments likely to promote the public health, comfort or convenience as the Local Government, subject to the control of the Governor General in Council, may from time to time direct.

Compounding for tolls.

18. The Local Government may, if it thinks fit, from time to time fix rates at which any person may compound for the tolls payable for the use of a public ferry.

III.—Private Ferries.

Power to make rules.

19. The Commissioner of the division may, with the previous sanction of the Local Government, from time to time make rules for the maintenance of order and for the safety of passengers and property at ferries other than public ferries.

Tolls.

20. The tolls charged at such ferries shall not exceed the highest rates for the time being fixed under section 15 for similar public ferries.

IV.—Penalties and Criminal Procedure.

Penalty for breach of provisions as to table of tolls, list of tolls and return of traffic.

21. Every lessee or other person authorized to collect the tolls of a public ferry, who neglects to affix and keep in good order and repair the table of tolls mentioned in section 16,

or who wilfully removes, alters or defaces such table, or allows it to become illegible,

or who fails to produce on demand the list of the tolls mentioned in section 16,

and every lessee who neglects to furnish any return required under section 12,

shall be punished with fine which may extend to fifty rupees.

Penalty for taking unauthorized toll, and for causing delay.

22. Every such lessee or other person as aforesaid and any person in possession of a private ferry asking or taking more than the lawful toll, or without due cause delaying any person, animal, vehicle or other thing, shall be punished with fine which may extend to one hundred rupees.

Penalty for breach of rules made under sections 12 and 19.

23. Every person breaking any rule made under section 12 or section 19 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Cancelment

24. When any lessee of the tolls of a public ferry makes default in the

payment of the rent payable in respect of such tolls, or has been convicted of an offence under section 23, or, having been convicted of an offence under section 21 or section 22, is again convicted of an offence under either of those sections,

of lease on default or breach of rules.

the Magistrate of the district may, with the sanction of the Commissioner of the division, cancel the lease of the tolls of such ferry, and make other arrangements for its management during the whole or any part of the term for which the tolls were let.

25. Every person crossing by any public ferry, or using the approach to, or landing-place thereof, who refuses to pay the proper toll, and every person—

Penalties on passengers offending.

who, with intent to avoid payment of such toll, fraudulently or forcibly crosses by any such ferry without paying the toll, or

who obstructs any toll-collector or lessee of the tolls of a public ferry, or any of his assistants, in any way in the execution of their duty under this Act, or

who, after being warned by any such toll-collector, lessee or assistant not to do so, goes or takes any animals, vehicles or other things into any ferry-boat, or upon any bridge, at such a ferry, which is in such a state or so loaded as to endanger human life or property, or

who refuses or neglects to leave, or remove any animals, vehicles or goods from, any such ferry-boat or bridge, on being requested by such toll-collector, lessee or assistant to do so,

shall be punished with fine which may extend to fifty rupees.

[a]**26.** Whoever establishes, maintains or works a ferry in contravention of the provisions of section 13 shall be punished with fine which may extend to five hundred rupees, and with a further fine which may extend to one hundred rupees for every day during which the ferry is maintained or worked in contravention of those provisions.

Penalty for maintaining private ferry within prohibited limits.

27. Where the tolls of any public ferry have been let under the provisions hereinbefore contained, the whole or any portion of any fine realized under section 25 or section 26 may, notwithstanding anything contained in section 17, be, at the discretion of the convicting Magistrate or Bench of Magistrates, paid to the lessee.

Fines payable to lessee.

28. Whoever navigates, anchors, moors or fastens any vessel or raft, or stacks any timber, in a manner so rash or negligent as to damage a public

Penalty for rash navigation and

[a] This section was substituted for the original s. 26 by Act III of 1886, s. 2 (3), printed *infra*, p. 124.

stacking of timber.

ferry, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and the toll-collector or lessee of the tolls of such ferry, or any of his assistants, may seize and detain such vessel, raft or timber pending the enquiry and assessment hereinafter mentioned.

Power to arrest without warrant.

29. The police may arrest without warrant any person committing an offence against section 25 or section 28.

Power to try summarily.

30. Any Magistrate or Bench of Magistrates having summary jurisdiction under Chapter XXII of the Code of Criminal Procedure, 1882,[a] may try any offence against this Act in manner provided by that chapter. X of 1882.

Magistrate may assess damage done by offender.

31. Every Magistrate or Bench of Magistrates trying any offence under this Act may enquire into and assess the value of the damage (if any) done or caused by the offender to the ferry concerned, and shall order the amount of such value to be paid by him in addition to any fine imposed upon him under this Act; and the amount so ordered to be paid shall be leviable as if it were a fine, or, when the offence is one under section 28, by the sale of the vessel, raft or timber causing the damage, and of any thing found in or upon such vessel or raft.

The Commissioner of the division may, on the appeal of any person deeming himself aggrieved by an order under this section, reduce or remit the amount payable under such order.

V.—Miscellaneous.

Power to take possession of boats, etc., on surrender or cancellation of lease.

32. When the lease of the tolls of any ferry is surrendered under section 11 or cancelled under section 24, the Magistrate of the district may take possession of all boats and their equipment, and all other material and appliances, used by the lessee for the purposes of such ferry, and use the same (paying such compensation for the use thereof as the Local Government may in each case direct) until such Magistrate can conveniently procure proper substitutes therefor.

Similar power in cases of emergency.

33. When any boats or their equipment, or any materials or appliances suitable for setting up a ferry, are emergently required for facilitating the transport of officers or troops of Her Majesty on duty, or of any other persons

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[a] The reference to Act X of 1872, Ch. XVIII, is altered in accordance with Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

on the business of Her Majesty, or of any animals, vehicles or baggage belonging to such officers, troops or persons, or of any property of Her Majesty, the Magistrate of the district may take possession of and use the same (paying such compensation for the use thereof as the Local Government may in each case direct) until such transport is completed.

34. No suit to ascertain the amount of any compensation payable, or abatement of rent allowable, under this Act, shall be cognizable by any Civil Court. Jurisdiction of Civil Courts barred.

35. The Local Government may, from time to time, delegate, under such restrictions as it thinks fit, any of the powers conferred on it by this Act to any Commissioner of a division or Magistrate of a district, or to such other officer as it thinks fit, by name or by virtue of his office. Delegation of powers.

36. [*Validation of proceedings.*] *Repealed by Act XII of 1891.*

THE HACKNEY-CARRIAGE ACT, 1879.

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1. Short title ; commencement; saving.
2. Interpretation-clause.
3. Application of Act to municipalities.
   Power of committees to make rules.
   Confirmation and publication of rules.
   Power of Local Government to rescind rules.
4. Power to make rules for cantonments.
5. Power to extend operation of rules beyond limits of municipality or cantonment.
6. What rules under sections 3 and 4 may provide for.
7. Penalty for breach of rules.
8. Disposal of fees and payment of expenses.
9. Power of Magistrate to decide disputes regarding fares.
10. In case of dispute, hirer may require driver to take him to Court.

ACT No. XIV OF 1879.

(*Received the Governor General's assent on the 5th September, 1879*)

An Act for the regulation and control of Hackney-carriages in certain Municipalities and Cantonments.

Preamble.

WHEREAS it is expedient to provide for the regulation and control of hackney-carriages in certain municipalities and cantonments: It is hereby enacted as follows:—

Short title.

1. This Act may be called the Hackney-carriage Act, 1879:

Commencement.

and it shall come into force at once;

Saving.

but nothing herein contained shall affect any power conferred by any law relating to municipalities,[a] or any rule made in exercise of any such power.

Interpretation-clause.

2. In this Act—

"hackney-carriage" means any wheeled vehicle drawn by animals and used for the conveyance of passengers which is kept, or offered, or plies, for hire; and

"committee" means a municipal committee, or a body of municipal commissioners, constituted under the provisions of any enactment for the time being in force.

Application of Act to municipalities.

3. The Lieutenant-Governors of the North-Western Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, British Burma,[b] Assam, Ajmere and Coorg, may, by notification in the official Gazette, apply this Act to any municipality in the territories administered by them respectively.

Power of committees to make rules.

When this Act has been so applied to any municipality, the committee of such municipality may, from time to time, make rules for the regulation and control of hackney-carriages within the limits of such municipality, in the manner in which, under the law [a] for the time being in force, it makes rule or bye-laws for the regulation and control of other matters within such limits.

Confirmation and publication of rules.

Every rule made under this section shall, when confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe, have the force of law:

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[a] For the law relating to municipalities in Ajmere-Merwara, see Reg. V of 1886, *infra*, p. 202. Rules cannot be made under that Regulation in respect of vehicles to which Act XIV of 1879 applies—see *ib.*, s. 116 (*1*), proviso, *infra*, p. 235.

[b] This reference to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s. 4, in Burma Code, Ed. 1889, p. 364. The Chief Commissioner is now Chief Commissioner of Burma—see proclamation of 25th September, 1886, in Gazette of India, 1886, Pt. I, p. 539.

Provided that the Local Government may, at any time, rescind any such rule.

Power of Local Government to rescind rules.

4. The Local Government of any of the said territories may, from time to time, subject to the control of the Governor General in Council, make rules for the regulation and control of hackney-carriages in any military cantonment situated in the territory administered by it.[a]

Power to make rules for cantonments.

All rules made under this section when published for such time and in such manner as the authority making the same may, from time to time, prescribe, shall have the force of law.

5. The authority making any rules under this Act may extend their operation to any railway-station, or specified part of a road, not more than six miles from the local limits of the municipality or cantonment concerned:

Power to extend operation of rules beyond limits of municipality or cantonment.

Provided that such extension shall be made, in the case of a municipality, with the sanction of the Local Government, and, in the case of a cantonment situate in British India, subject to the control of the Governor General in Council.

When any rules have been made under this Act for any municipality, the Local Government may, subject to the control of the Governor General in Council, extend the operation of such rules to any cantonment the boundary of which is not more than six miles distant from the boundary of such municipality.

6. The rules to be made under section 3 or section 4 may, among other matters,—

What rules under sections 3 and 4 may provide for.

(*a*) direct that no hackney-carriage, or no hackney-carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf;

(*b*) direct that no person shall act as driver of a hackney-carriage except under a license granted in that behalf;

(*c*) provide for the issue of the licenses referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(*d*) regulate the description of animals, harness and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(*e*) provide for the inspection of the premises on which any such carriages, animals, harness and other things are kept;

[a] Portion repealed by Act XIII of 1889 is omitted.

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which within such time they shall be subject to revocation or suspension;

(*g*) provide for the numbering of such carriages;

(*h*) determine the times at which, and the circumstances under which, any person keeping a hackney-carriage shall be bound to let or refuse to let such carriage to any person requiring the same;

(*i*) appoint places as stands for hackney-carriages and prohibit such carriages waiting for hire except at such places;

(*j*) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney-carriage; and prescribe the minimum speed at which such carriages when hired by time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

(*l*) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such other language as may be prescribed, affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(*m*) require drivers to wear a numbered badge or ticket, and to produce their licenses when required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges; and

(*n*) provide for the deposit of property found in such carriages, and the payment of a fee by the owner of such property on the delivery thereof to him.

Penalty for breach of rules.

7. Any person breaking any rule made under this Act shall be punished with fine which may extend to fifty rupees.

Disposal of fees and payment of expenses.

8. The amount of any fees received and the amount of any expenses incurred in giving effect to this Act shall in any municipality be credited and debited respectively to the municipal fund, and, in any cantonment where there is a cantonment-fund, to such fund.

Power of Magistrate to decide disputes regarding fares.

9. If any dispute arises between the hirer of any hackney-carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Act, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or bench

may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or bench thinks fit.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine. [a]

The decision of any Magistrate or bench in any case under this section shall be final.

When any such case is heard by a bench, any difference of opinion arising between the members of such bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

10. If, at the time any dispute mentioned in section 9 arises, any Magistrate or Bench of Magistrates having jurisdiction in respect of such dispute is sitting within the local limits to which the rules apply, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate or bench for the purpose of making an application under that section. In case of dispute, hirer may require driver to take him to Court.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

THE GLANDERS AND FARCY ACT, 1879.

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6. Power of entry and search given to Inspectors.
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[a] As to recovery of fines, see Act I of 1868, s. 5, in General Acts, 1867-76, Ed. 1887, p. 19.

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ACT No XX OF 1879.

(*Received the Governor General's assent on the 14th November, 1879.*)

An Act to provide for the better prevention of Glanders and Farcy among Horses.

Preamble.

WHEREAS it is expedient to provide for the better prevention of glanders and farcy among horses; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Glanders and Farcy Act, 1879.

Local extent.

It extends to the whole of British India, except the territories respectively administered by the Governor of Fort St George in Council[a] and the Lieutenant-Governor of Bengal;

Commencement.

and it shall come into force at once.

Interpretation-clause.

2. In this Act, unless there is something repugnant in the subject or context,—

"horse" includes also ponies, asses, mules and jennets:

"diseased" means affected with glanders or farcy.

Local Government may apply Act.

3. The Local Government may, by notification in the official Gazette, apply this Act, or any provision of this Act, to any local area, to be specified in such notification, within the territories administered by it, and may in like manner amend or cancel any such notification.

Appointment, suspension and dismissal of Inspectors.

4. When this Act has been so applied to any local area, the Local Government may, by notification in the official Gazette, appoint either by name or by virtue of their office such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of such local area or such portions thereof as it may from time to time prescribe, the powers conferred and the duties imposed by this Act on such officers.

Every person so appointed may be suspended or dismissed by the Local Government which appointed him.

Every person so appointed shall be deemed a public servant within the meaning of the Indian Penal Code.[b] XLV of 1860.

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[a] The reference to Bombay, repealed by Act XXIV of 1886, is omitted.
[b] See Act XLV of 1860, s 21. (For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.)

5. Within the local limits for which he is so appointed, any such Inspector may seize any horse which he has reason to believe, from personal knowledge or from information given by any person and taken down in writing, is diseased. Inspector's power to seize horse.

6. For the purpose of making such seizure, such Inspector may, subject to such rules as the Local Government may from time to time make in this behalf, enter and search any field, building or other place where he has reason to believe that any such horse is to be found. Power of entry and search given to Inspectors.

7. On any such seizure, the Inspector shall cause the horse so seized to be examined as soon as possible by such Veterinary Surgeon as the Local Government may, from time to time, appoint in this behalf. Horse to be examined by Veterinary Surgeon.

8. If such Surgeon certifies in writing that such horse is diseased, the Inspector shall cause the same to be immediately destroyed; but, if such Surgeon does not so certify, the Inspector shall at once deliver the same to the person entitled to the possession thereof. Horse to be destroyed if found diseased; otherwise restored.

9. When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of such building, shed, place or lines, or the person in charge thereof, directing him to have the same disinfected, and the internal fittings thereof, or such other things found therein or near thereto as the Local Government may from time to time by rule prescribe, destroyed. When horse diseased, place where it has been to be disinfected, etc.

On the failure or neglect of such owner or other person to comply with such notice within a reasonable time, the Inspector shall cause such building, shed, place or lines to be disinfected, and such fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from such owner or other person as if it were a fine. [a]

10. The owner or any person in charge of a diseased horse shall give immediate information of such horse being diseased to the Inspector or to some officer of police. Owner or person in charge of diseased horse to give notice.

11. No person in charge of any horse which has been in the same field, building or place or in contact with a diseased horse shall move such horse, except in good faith for the purpose of preventing infection or under a license to be granted by the Inspector and subject to the conditions of such license. Prohibition against removal, without license, of horse which has been with diseased horse.

12. Any inspector who, without reasonable ground of suspicion, enters or Vexatious

[a] As to recovery of fines, see Act I of 1868, s. 5, in General Acts, 1867-76, Ed. 1887, p. 19.

Entries, searches and seizures.

searches any field, building or other place, or vexatiously and unnecessarily seizes or detains any horse on the pretence that it is diseased, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Limitation of prosecutions.

No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Penalty for refusing to comply with notice under section 9, or moving horse contrary to section 11.

13. Any person who refuses or neglects to comply with any notice issued by the Inspector under section 9, or who moves any horse in contravention of section 11, shall be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Power to make rules.

14. The Local Government may, from time to time, make rules, consistent with this Act—

(*a*) for regulating entries and searches by Inspectors under this Act;

(*b*) for regulating the destruction of horses certified under section 8 to be diseased, and the disposal of the carcases of such horses;

(*c*) for regulating the disinfecting of buildings and places in which diseased horses have been, and for prescribing what things found therein or near thereto shall be destroyed;

(*d*) for regulating the grant of licenses under section 11, and the conditions on which such licenses shall be granted; and

(*e*) generally for carrying out the purposes of this Act.

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

Any person breaking a rule made under this section shall be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

15. [*Validation of proceedings.*] *Repealed by Act XII of 1891.*

THE VACCINATION ACT, 1880.

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ACT No. XIII OF 1880.

(*Received the Governor General's assent on the 9th July, 1880.*)

An Act to give power to prohibit inoculation, and to make the vaccination of children compulsory, in certain Municipalities and Cantonments.

WHEREAS it is expedient to give power to prohibit inoculation, and make the vaccination of children compulsory, in certain municipalities and cantonments; It is hereby enacted as follows:— Preamble.

1. This Act may be called the Vaccination Act, 1880: and Short title.

Application.

it shall apply only to such municipalities and cantonments situate in the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, British Burma,[a] Assam, Ajmere, and Coorg as it may be extended to in manner hereinafter[b] provided.

Interpretation-clause.

2. In this Act, unless there is something repugnant in the subject or context,—

(1) the expression "Municipal Commissioners" means a body of Municipal Commissioners or a Municipal Committee constituted under the provisions of any enactment[c] for the time being in force:

(2) "parent" means the father of a legitimate child and the mother of an illegitimate child:

(3) "guardian" includes any person who has accepted or assumed the care or custody of any child:

(4) "unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under this Act to be insusceptible to vaccination:

(5) "inoculation" means any operation performed with the object of producing the disease of small-pox in any person by means of variolous matter:

(6) "vaccination-circle" means one of the parts into which a municipality or cantonment has been divided under this Act for the performance of vaccination:

(7) "vaccinator" means any vaccinator appointed under this Act to perform the operation of vaccination, or any private person authorized by the Local Government in manner hereinafter provided to perform the same operation; and includes a "Superintendent of vaccination":

(8) "vaccination-season" means the period from time to time fixed by the Local Government for any local area under its administration by notification in the official Gazette, during which alone vaccination may be performed under this Act.

Extension of Act to municipalities.

3. A majority in number of the persons present at a meeting of the Municipal Commissioners specially convened in this behalf may apply to the Local

[a] This reference to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s. 4, in Burma Code, Ed. 1889, p. 364. The Chief Commissioner is now Chief Commissioner of Burma—see Proclamation of 25th September, 1886, in Gazette of India, 1886, Pt. I, p. 539.

[b] See ss. 3 and 4.

[c] For the law relating to municipalities in Ajmere-Merwara, see Reg. V of 1886, *infra*, p. 202.

Government to extend this Act to the whole or any part of a municipality, and thereupon the Local Government may, if it thinks fit, by notification published in the official Gazette, declare its intention to extend this Act in the manner proposed.

Any inhabitant of such municipality or part thereof who objects to such extension may, within six weeks from the date of such publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such objection into consideration. When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (when such objections have been so sent) if in its opinion they are insufficient, may by like notification effect the proposed extension.

Extension to cantonments.

4. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, extend this Act to the whole or any part of a military cantonment.

Power to withdraw local area from operation of Act.

5. The Local Government may, by notification in the official Gazette, withdraw any local area in a municipality, or, with the previous sanction of the Governor General in Council, any local area in a cantonment, from the operation of this Act.

Prohibition of inoculation.

6. In any local area to which the provisions of this Act apply, inoculation shall be prohibited; and

Inoculated persons not to enter, without certificate, local area subject to Act.

no person who has undergone inoculation shall enter such area before the lapse of forty days from the date of the operation, without a certificate from a medical practitioner, of such class as the Local Government may from time to time by written order authorize to grant such certificates, stating that such person is no longer likely to produce small-pox by contact or near approach.

Vaccination-circles.

7. Every local area to which this Act applies shall be a vaccination-circle, or shall in manner hereinafter provided be divided into a number of such circles;

Vaccinators.

one or more vaccinators shall be appointed in manner hereinafter provided for each such circle; and

Superintendent of vaccination.

one or more Superintendents of vaccination shall be appointed in manner hereinafter provided for each such local area.

Private vaccinators.

8. The Local Government may by written license authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any such license.

Unprotected children to be vaccinated.

9. When any unprotected child, having attained the age of six months, has resided for a period of one month during the vaccination-season in any local area to which the provisions of this Act apply, and has not at the expiration of such period attained the age, if a boy, of fourteen years, and if a girl, of eight years, the parent or guardian of such child shall take it, or cause it to be taken, to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.

Vaccinator to vaccinate children, or deliver certificates of postponement.

Such vaccinator shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation, or shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination-season.

Inspection after vaccination.

10. The parent or guardian of every child which has been vaccinated under section 9 shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection, or get it inspected at his own house by a vaccinator; and

such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

Procedure when vaccination is successful.

11. When it is ascertained at the time of inspecting a child under section 10 that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child shall thereafter be deemed to be protected.

Procedure when vaccination is unsuccessful.

12. When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and subsequently inspected in manner hereinbefore provided.

Procedure when child is unfit for vaccination.

13. A certificate granted under section 9 showing the unfitness of a child for vaccination shall remain in force for the period stated therein, and on the termination of that period, or, if that period terminates after the vaccination-season is over, when the next vaccination-season begins, the parent or guardian of such child shall take the child, or cause it to be taken, to a vaccinator to be vaccinated, or procure its vaccination at his own house by a vaccinator:

Renewal of postponement certificates.

Provided that, if the child is still found to be in a state unfit for vaccination, the certificate granted under section 9 shall be renewed.

14. If the Superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate under his hand to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated. Certificate of insusceptibility of successful vaccination.

15. The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by the rules to be made under this Act: What lymph to be used.

Provided that,—

1st, if animal-lymph is so prescribed and the parent or guardian of any child desires that such child shall be vaccinated with human lymph, it shall be so vaccinated; and

2nd, if in any local area in which animal-lymph is procurable human lymph is so prescribed, and the parent or guardian of any child desires that such child should be vaccinated with animal-lymph, and tenders to the vaccinator the amount of such fee, not exceeding one rupee, as may be fixed by such rules in this behalf, such child shall be so vaccinated.

16. No fee shall be charged by any vaccinator except a private vaccinator to the parent or guardian of any child for any of the duties imposed on such vaccinator by or under the provisions of this Act: No fee to be charged except by private vaccinator.

Provided that it shall be lawful for a vaccinator to accept a fee for vaccinating a child by request of the parent or guardian elsewhere than in the circle for which such vaccinator is appointed. Proviso.

17. The Superintendent of vaccination, in addition to the other duties imposed on him by or under the provisions of this Act, shall ascertain whether all unprotected children, under the age of fourteen years if boys, and under the age of eight years if girls, within the local area under his superintendence have been vaccinated; and, if he has reason to believe that the parent or guardian of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection, and has omitted so to do, he shall personally go to the house of such parent or guardian, and there make enquiry, and shall, if the fact is proved, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in such notice. Duties of Superintendent of vaccination. Notice to parent or guardian neglecting to comply with Act.

18. If such notice is not complied with, the Superintendent of vaccination shall report the matter to the Magistrate of the district, or such Magis- Order by Magistrate when notice

not complied with.

trate as the Local Government or the Magistrate of the district may from time to time appoint in this behalf, and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order.

Procedure when order not obeyed.

If on such date the order has not been obeyed, the Magistrate shall summon the parent or guardian before him, and, unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section 22.

Magistrates to be non-official Natives.

The Magistrates appointed under this section shall, as far as is conveniently practicable, be Natives of India, and not paid servants of the Government.

Power to make rules for municipalities.

19. When this Act has been applied to any municipality or any part thereof, the Municipal Commissioners may, from time to time, make rules consistent with this Act for the proper enforcement of this Act within the limits to which it applies. Such rules shall be made in the manner in which, under the law[a] for the time being in force, the Commissioners make rules or bye-laws for the regulation of other matters within the limits of the municipality, and shall, when confirmed by the Local Government and published in the official Gazette, have the force of law:

Provided that the Local Government may at any time rescind or modify any such rule.

Power to make rules for cantonments.

20. When this Act has been applied to any cantonment or any part thereof, the Local Government may, from time to time, subject to the control of the Governor General in Council, make such rules.

What rules under sections 19 and 20 may provide for.

21. The rules to be made for any local area under sections 19 or 20 may, among other matters, provide for—

(*a*) the division of such local area into circles for the performance of vaccination;

(*b*) the appointment of a place in each vaccination-circle as a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station;

(*c*) the qualifications to be required of public vaccinators and Superintendents of vaccination;

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[a] For the law relating to municipalities in Ajmere-Merwara, see Reg. V of 1886, *infra*, p. 202.

(*d*) the authority with which their appointment, suspension and dismissal shall rest;

(*e*) the time of attendance of public vaccinators at the vaccine-stations, and their residence within the limits of the vaccination-circles;

(*f*) the distinguishing mark or badge to be worn by them;

(*g*) the amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties;

(*h*) the facilities to be afforded to people for procuring the vaccination of their children at their own houses;

(*i*) the grant and form of certificates of successful vaccination, of unfitness for vaccination or of insusceptibility of vaccination;

(*j*) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph;

(*k*) the fee to be paid for vaccination with animal-lymph under section 15;

(*l*) the fee to be paid to a public vaccinator for vaccinating a child beyond the vaccination-circle at the request of the parent or guardian of the said child;

(*m*) the preparation and keeping of registers showing—

the names of children born in such local area on or after the date of the application of this Act;

the names of unprotected children born in such local area previous to the application of this Act, and who are, at the time this Act is applied, under the age of fourteen years if boys, and of eight years if girls;

the names of unprotected boys and girls respectively under those ages brought within such local area at any time after the application of this Act and who have resided there for a month;

the result of each vaccination or its postponement, and the delivery of certificates, if any;

(*n*) the assistance to be given by the Municipal Commissioners and municipal servants in the preparation of these registers, and in other matters; and

(*o*) the preparation of vaccination-reports and returns.

22. Whoever commits any of the undermentioned offences (that is to say):— Punishment of offences.

(*a*) violates the provisions of section 6,

(*b*) neglects without just excuse to obey an order made under section 18

(*c*) breaks any of the rules made under section 19 or 20, or

(*d*) neglects without just cause to obey an order made under section 18 after having been previously convicted of so neglecting to obey a similar order made in respect of the same child,

shall be punished as follows (that is to say) :—

in the case of the offence mentioned in clause (*a*), with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both;

in the case of the offences mentioned in clauses (*b*) and (*c*), with fine which may extend to fifty rupees; and

in the case of the offence mentioned in clause (*d*), with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Municipal funds to receive fines and meet expenditure.

23. The amount of all fees and fines realized, and the amount of all expenditure incurred, under this Act in any municipality shall respectively be credited to and paid from the municipal fund.

THE EXCISE ACT, 1881.

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ACT No. XXII OF 1881.

(*Received the Governor General's assent on the 26th October, 1881.*)

An Act to amend the law relating to the Excise-revenue in Northern India, British Burma [a] and Coorg.

WHEREAS it is expedient to amend the law in force in Northern India, British Burma[a] and Coorg relating to the production, sale, possession and import of spirit, fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Excise Act, 1881. Short title.

It extends to the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Punjab and the Chief Commissioners of Oudh, the Central Provinces, British Burma, [a] Coorg, and Ajmere and Merwara; and Local extent.

It shall come into force on the first day of January, 1882. Commencement.

X of 1871. 2. On and from that day the Excise Act, 1871, shall be repealed, but all rules made, powers conferred and licenses and farms granted under that Act and in force on the same day shall be deemed to have been respectively made, conferred and granted under this Act. Repeal of Act X of 1871.

3. In this Act— Interpretation-clause.

(*a*) "Chief Revenue-authority" means—

in the territories administered by the Lieutenant-Governor of the North-

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[a] These references to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s 4, in Burma Code, Ed. 1889, p 364. The Chief Commissioner is now Chief Commissioner of Burma—see Proclamation of 25th September, 1886, in Gazette of India, 1886, Pt. I, p. 539.

Western Provinces [a]and the Chief Commissioner of Oudh[a]—the Board of Revenue;

[b] in the territories respectively administered by the Lieutenant-Governor of the Punjab and the Chief Commissioner of Burma[b]—the Financial Commissioner; and

in the territories respectively administered by the Chief Commissioners of [c]the Central Provinces,[d] Coorg and Ajmere and Merwara—the Chief Commissioner:

(*b*) "Collector" includes any Revenue-officer in independent charge of a district and any officer appointed by the Local Government to discharge, throughout any specified local area, the functions of a Collector under this Act:

"Commissioner of Revenue" means any officer appointed by the Local Government to discharge, throughout any specified local area, the functions of a Commissioner of Revenue under this Act:

(*c*) "Magistrate" means any Magistrate exercising powers not less than those of a Magistrate of the second class, or any Magistrate of the third class specially authorized in this behalf by the Magistrate of the district:

(*d*) "place" includes also house, boat and raft:

(*e*) "tari" means the sap of any kind of palm tree:

(*f*) "fermented liquor" means malt liquor, wine, pachwai and fermented tari, and, in any provision of this Act, shall, if the Local Government, subject to the control of the Governor General in Council, so directs, include any other fermented liquor, and also tari though it may not have perceptibly begun to ferment:

(*g*) "spirit" means any liquor containing alcohol obtained by distillation:

(*h*) the expression "intoxicating drugs" means ganja, bhang, charas and every preparation and admixture of the same:

(*i*) "tola" means a weight of one hundred and eighty grains Troy:

(*j*) "ser" means a weight of eighty tolas:

(*k*) the articles next hereinafter mentioned shall be deemed to be sold retail within the meaning of this Act when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say,—

foreign spirit or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles;

[a-a] These words were inserted by Act XX of 1890, s. 43 (*1*), printed, N.-W. P. & Oudh Code, Ed. 1892, p. 715.

[b-b] These words were substituted for the original words by Act XVIII of 1888, s. 7, printed, Burma Code, Ed. 1889, p. 76.

[c] The word "Oudh," repealed by Act XX of 1890, s. 43 (*1*), is omitted.

[d] The words "British Burma," repealed by Act XVIII of 1888, s. 7, are omitted.

country spirit, one ser, and in Burma[a] one reputed quart bottle;
country fermented liquor, four sers, and in Burma[a] four reputed quart bottles;
bhang, or any preparation or admixture thereof, one quarter of a ser;
ganja or charas, or any preparation or admixture thereof, five tolas;
If sold in larger quantities, they shall be deemed to be sold wholesale.

In any case in which doubt arises the Local Government may decide what for the purposes of this Act shall be deemed to be "country spirit," "country fermented liquor," "foreign spirit," and "foreign fermented liquor," and such decision shall be binding on the Courts.

Saving of Acts XVI of 1863 and XIII of 1889.

4. Nothing herein contained shall affect Act No. XVI of 1863[b] (*to make special provision for the levy of the Excise-duty payable on spirits used exclusively in Arts and Manufactures or in Chemistry*) or the Cantonments Act, 1889[c].

XIII of 1889.

CHAPTER II.

Production of Spirit, Fermented Liquor and Intoxicating Drugs.

Manufacture of spirit and liquor without license prohibited.

5. No person shall construct, work or possess a distillery, still or brewery, or manufacture fermented liquor, in any district, except under a license granted by the Collector or by a person authorised by the Collector to grant such license, and in accordance with the conditions (if any) contained therein.

Power to establish distilleries for country spirit.

6. The Collector may, with the previous sanction of the Chief Revenue-authority, from time to time—

(*a*) establish at any place within his district a distillery in which country spirit may be made, and discontinue any distillery so established;

(*b*) fix limits within his district within which no such spirit, unless made in the said distillery, shall be introduced without a pass from him.

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[a] "Burma" was substituted for "British Burma" by Act XVIII of 1888, s. 7, printed, Burma Code, Ed. 1889, p. 76.

[b] Printed, General Acts, 1834-66, Ed. 1887, p. 382.

[c] The reference to Act III of 1880 is altered in accordance with Act XIII of 1889, s 2(3).

Duty on spirit.

7. No spirit shall be removed from any distillery licensed under section 5 or established under section 6 until—

[a] (*a*) such duty as the Local Government may from time to time fix in respect of such spirit has been paid, or

(*b*) a bond for such duty has been executed, or

(*c*) a duty in respect of the materials used in making such spirit has been levied at such rates and in such manner as the Local Government, with the previous sanction of the Governor General in Council, may from time to time direct.

[b] *Explanation.*—Duty may be fixed or made payable under this section at different rates according to the places to which any spirit is to be removed for consumption.

Duty on fermented liquor.

[c] **7A.** No fermented liquor shall be removed from a brewery licensed under section 5 until—

(*a*) duty has been paid thereon at the rate for the time being leviable under the Indian Tariff Act, 1882,[d] on like liquor imported by sea into any part of British India except Aden and Perim, or at such lower rate as the Local Government, having regard to the circumstances of the brewery or of the local area in which the brewery is situate, may from time to time prescribe, or XI of 1882.

(*b*) a bond for such duty has been executed.

Power to make rules as to distilleries and breweries licensed under section 5;

[e] **8.** The Chief Revenue-authority may, from time to time, make rules as to—

(*a*) the granting of licenses for distilleries, stills and breweries under section 5;

(*b*) the notices to be given by the proprietor of a licensed distillery or licensed brewery when he commences and discontinues work;

(*c*) the size and description of the stills in such distillery;

(*d*) the storing and passing out of the spirit made in such distillery, or of the fermented liquor made in such brewery, and the contents of the passes;

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[a] This clause was substituted for the original cl. (*a*) by Act IX of 1885, s. 2. The duty fixed before the 29th May, 1885, under s. 6 of the Indian Tariff Act, XI of 1882, is to be deemed to be the duty fixed by the Local Government under s. 7 of Act XXII of 1881—see Act IX of 1885, s. 4, in General Acts, 1885-88, Ed. 1889, p. 5.

[b] This *Explanation* was added by Act X of 1893, s. 1, printed *infra*, p. 124.

[c] S. 7A was inserted by Act XIII of 1890, s. 2.

[d] For Act XI of 1882 see the revised edition, as modified up to 1st June, 1890, published by the Legislative Department.

[e] This section was substituted for the original s. 8 by Act XIII of 1890, s. 3.

(*e*) the inspection and examination of such distillery or brewery and the warehouses connected therewith, and of the spirit or fermented liquor made and stored therein;

(*f*) the furnishing of statements of the spirit and the stills, coppers, casks and other utensils in such distillery, or of the fermented liquor and the mashtuns, underbacks, wort-receivers, coppers, heating tanks, coolers, and collecting, fermenting and other vessels in such brewery.

9. The Chief Revenue-authority may, from time to time, make rules as to— and for distilleries established under section 6.

(*a*) the management of distilleries established under section 6, and in particular as to the conditions on which any materials to be used in making spirit may be brought into such distillery;

(*b*) the conditions on which spirit may be made in such distilleries; and

(*c*) the storing and passing out of the spirit so made, and the contents of the passes.

10. Except in the territories respectively administered by the Chief Commissioners of [a] the Central Provinces, [b] Coorg and Ajmere and Merwara, the sanction of the Local Government is required to validate rules under sections 8 and 9. Sanction to rules under sections 8 and 9.

11. In Burma[c] the cultivation of hemp and the preparation of intoxicating drugs therefrom are prohibited except under, and in accordance with, a license granted by such officer as the Chief Commissioner may from time to time appoint in this behalf. Production of intoxicating drugs.

In the other territories to which this Act extends, the Chief Revenue-authority may, from time to time, make such rules to restrict and regulate the cultivation of hemp and the preparation of intoxicating drugs therefrom as it may deem necessary to secure the duty leviable in respect of those drugs.

CHAPTER III.

Sale of Spirit, Fermented Liquor and Intoxicating Drugs.

12. No spirit, fermented liquor or intoxicating drug shall be sold except Spirit, fermented

[a] The word "Oudh," repealed by Act XX of 1890, s. 43 (2), is omitted.

[b] The words "British Burma," repealed by Act XVIII of 1888, s. 7, (printed, Burma Code, Ed. 1889 p. ,76) are omitted.

[c] "Burma" was substituted for "British Burma" by Act XVIII of 1888, s. 7.

liquor and drugs not to be sold without license. Proviso.

under, and in accordance with the terms of, a license granted under the provisions hereinafter contained :—

Provided as follows :

(*a*) nothing in this section applies to the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease ;

(*b*) any officer empowered in this behalf by the Chief Revenue-authority may grant to travelling merchants, subject to such rules and restrictions as such authority may from time to time prescribe, a general license authorizing them to sell foreign spirit and foreign fermented liquor wholesale in any district which they may visit in the course of their travels, without taking out a fresh license for that district ;

(*c*) any person making or producing country spirit or country fermented liquor, in accordance with the provisions of this Act, may, subject to any rules from time to time made by the Local Government in this behalf, sell such spirit or liquor to any person licensed under this Act as a retail vendor of such spirit or liquor ;

(*d*) any cultivator of the hemp plant may sell any intoxicating drug prepared from his plants to any person licensed under this Act to sell the same, or to any person authorized to purchase the same by the Collector's order in writing.

Licenses how granted.

13. Subject to the rules made by the [a]Chief Revenue-authority[a] under the power hereinafter conferred, the Collector may grant licenses for the sale of foreign spirit and foreign fermented liquor, wholesale or retail, and for the retail sale of country spirit or country fermented liquor, and (except in Burma[b]) of intoxicating drugs, within his district or any part thereof or at any place therein.

Licenses for the sale of country spirit and country fermented liquor and intoxicating drugs, wholesale, and licenses for the sale, in Burma,[b] of intoxicating drugs, retail, shall be granted only by such officer as the Local Government from time to time appoints in this behalf.

[a-a] These words were substituted for the original words by Act XII of 1891.

[b] "Burma" was substituted for "British Burma" by Act XVIII of 1888, s. 7, printed, Burma Code, Ed 1889, p. 76.

Any license granted under this section may be cancelled by the Collector for any cause specified therein.

Power to cancel license for cause specified therein.

14. Whenever the Collector considers that the license of a vendor of country spirit, country fermented liquor or intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license-fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or shall, in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Commissioner of Revenue or Chief Revenue-authority directs.

Power to cancel license for other causes.

On the expiration of such notice or the payment of such additional compensation, the Collector may cancel the said license.

15. Any retail vendor licensed under this Act may surrender his license on the expiration of one month's previous notice given by him to the Collector of his intention to surrender the same, and on payment of such sum, not exceeding the amount of the license-fee for six months, as the Collector may fix in this behalf.

Surrender of retail license

If the Collector is satisfied that there is a sufficient reason for surrendering a license, he may remit the sum so fixed.

16. The Collector may, with the sanction of the Chief Revenue-authority, let in farm—

Power to farm fees.

(*a*) the fees leviable in any district or part of a district on licenses for the retail sale of any description of country spirit or country fermented liquor or (except in Burma [a]) of intoxicating drugs:

(*b*) the right to manufacture, in any district or part of a district in which no distillery is established under section 6, country spirit or country fermented liquor.

When the fees so leviable or the right to manufacture such spirit or liquor, or both, are or is let in farm, the farmer may, subject to such reservations or restrictions as the Collector, with the sanction of the Chief Revenue-authority, may from time to time make or impose, grant licenses for the retail sale, or for the manufacture, or for both, as the case may be, of such articles within the local limits of his farm, and shall file in the Collector's office a list of all the licenses granted by him in such form and on such day or days in each

Farmer to grant licenses.

List of licenses granted by farmer to be filed.

[a] "Burma" was substituted for "British Burma" by Act XVIII of 1888, s. 7, printed, Burma Code, Ed. 1889, p 76.

year as the Chief Revenue-authority may, from time to time, prescribe in this behalf.

Farm may be cancelled.

17. The Collector may, with the sanction of the Chief Revenue-authority, cancel any farm granted under this Act.

Compensation to farmers in certain cases.

18. If any such farm be cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if any reservation or restriction with respect to the grant of licenses be made or imposed within the term of the farm, the farmer shall be entitled to receive for any loss which he sustains thereby such compensation as the Chief Revenue-authority may determine.

Recovery of arrears by farmers.

19. Every farmer under this Act may use the same means and processes for the recovery of any arrear of fees due to him from any retail vendor as may be lawfully used by the local landholders for the recovery of arrears of rent due to them from their tenants.

Power to regulate supply of tari and intoxicating drugs to licensed vendors.

20. The Chief Revenue-authority may, from time to time, make rules to regulate the mode in which tari shall be supplied to licensed vendors of the same, and the grant of licenses or passes to persons possessing or transporting intoxicating drugs for the supply of the licensed vendors of such drugs.

CHAPTER IV.

Possession of Spirit, Fermented Liquor and Intoxicating Drugs.

Possession of spirit, etc.

21. No person shall have in his possession any quantity of any spirit or fermented liquor larger than that specified in section 3, clause (*k*), in respect of such spirit or liquor, unless he is permitted to manufacture or sell the same, or he holds a pass therefor from the Collector or from some other officer empowered by the Local Government to grant such passes.

Proviso.

Nothing in this section extends to—

(*a*) any foreign spirit or foreign fermented liquor in the possession of any common carrier or warehouseman as such, or purchased by any person for his private use and not for sale, or

(*b*) tari intended to be used for the manufacture of gur or molasses.

Possession of intoxicating drugs.

22. In Burma[a] no person shall have in his possession any intoxicating drugs except under, and in accordance with the terms of, a general ex-

[a] "Burma" was substituted for "British Burma" by Act XVIII of 1888, s. 7, printed, Burma Code, Ed. 1889, p. 76.

emption granted by the Chief Commissioner, or a license granted by such officer as the Chief Commissioner may, from time to time, appoint in this behalf.

In the other territories to which this Act extends, no person shall have in his possession any larger quantity of such drugs than that specified in section 3, clause (*k*), in respect of such drugs, unless he is permitted to manufacture or sell the same.

CHAPTER V.

[a]IMPORT OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.[a]

Spirit and fermented liquor from foreign territory subject to duty.

[b]23. (*1*) A person shall not bring into any territory to which this Act extends any spirit manufactured at any place in India beyond the limits of British India, until he has obtained a pass therefor from such officer as the Local Government from time to time appoints in this behalf, and has paid in respect thereof—

(*a*) if the Local Government has fixed a duty under clause (*a*) of section 7 for like spirit manufactured in the part of the territory into which the spirit is to be brought, that duty, or

(*b*) if the Local Government has not fixed a duty under that clause for like spirit manufactured in that part, a duty at such rate as the Local Government from time to time prescribes in this behalf, not exceeding the highest rate leviable, under the law for the time being in force, on spirit imported into British India by sea.

(*2*) The provisions of sub-section (*1*) with respect to spirit shall apply to fermented liquor also, with this modification, that the duty to be paid in respect of the liquor shall be the duty leviable on like liquor under the Indian Tariff Act, 1882 [c], [d] or such lower duty as the Local Government, having regard to the rate or rates of duty for the time being leviable under clause (*a*) of section 7A, may from time to time prescribe.[d]

XI of 1882.

(*3*) If any question arises as to the duty to be charged on any spirit or fermented liquor under this section, the decision of the Local Government thereon shall be final.

[a-a] Substituted by Act X of 1893, s. 3, printed *infra*, p. 124.

[b] This section was substituted for the original s. 23 by Act II of 1887, s. 5, printed, General Acts, 1885-88, Ed. 1889, p. 120.

[c] For Act XI of 1882 see the revised edition, as modified up to 1st June, 1890, published by the Legislative Department.

[d-d] These words, etc., were added by Act XIII of 1890, s. 4.

Spirits, fermented liquor and intoxicating drugs from territory beyond India subject to duty.

[a]**23A.** The Governor General in Council may from time to time, by notification in the Gazette of India, impose such duty as he thinks fit on any spirit or fermented liquor or intoxicating drug brought by land from beyond the limits of India into any territory to which this Act extends or into any specified part thereof, and may alter or abolish any duty so imposed.

CHAPTER VI.

Officers and their Powers.

Collectors may appoint Excise-officers.

24. The Collector may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise-revenue and for the prevention of offences against this Act; and the officers so appointed shall, in addition to their ordinary designations (if any), be styled Excise-officers.

Recovery of arrears of fees.

25. The Collector may recover any amount due to the Government under this Act or the rules made hereunder, by distress and sale of the moveable property of the person from whom such amount is due or of his surety, or by any other process for the time being in force for the recovery of arrears of land-revenue due from landholders or from farmers of land or their sureties.

Power of Excise-officers to inspect shops;

26. Any Excise-officer may enter and inspect at any time by day or by night the shop or premises in which any manufacturer or vendor licensed under this Act carries on the manufacture of country sprit, or the sale of country spirit, country fermented liquor or intoxicating drugs.

to arrest persons carrying spirit, etc., liable to confiscation;

27. Any Excise-officer may stop and detain any person carrying any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act;

and may seize such spirit, liquor or drug, together with any vessels, packages or coverings in which it is contained, and any animals and conveyances used in carrying it;

and may also arrest the person in whose possession such spirit, liquor or drug is found.

to arrest persons in possession of article liable to confiscation and to seize article;

28. Any Excise-officer in the receipt of a monthly salary of not less than ten rupees [b]or who receives an annual remuneration equivalent to such salary[b] may arrest any person having in his possession any article liable to confiscation under this Act, or engaged in the unlawful sale of any spirit, fermented liquor or intoxicating drug, and may seize such article, spirit, liquor or drug.

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[a] S. 23A was inserted by Act X of 1893, s. 2, printed *infra*, p. 124.
[b-b] These words were inserted by Act VI of 1885, s. 1, printed *infra*, p. 123.

29. Whenever any Excise-officer in receipt of such monthly salary [a] or annual remuneration [a] as aforesaid has reason to believe, from information given by any person (which information shall be taken down in writing), that in any place spirit is unlawfully manufactured, or any article liable to confiscation under this Act is kept or concealed, *to search on information of illicit manufacture or possession.*

such officer may, after sunrise and before sunset (but always in the presence of an officer of police in the receipt of a monthly salary of not less than ten rupees, [b] unless the Excise-officer is himself such an officer of police [b]), enter into such place,

and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away such spirit or article,

and may also arrest the occupier of the place, with all other persons concerned in the manufacture of such spirit or in the keeping and concealing of such article.

30. The Collector may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing, or from the proceedings in any other case under this Act or any other law, to be engaged in the unlawful sale of spirit or fermented liquor or intoxicating drugs, or to have in his possession any article liable to confiscation under this Act. *Collector may issue warrant of arrest in certain cases.*

31. The Collector may issue his warrant for the search of any place in which he has reason to believe, either from information in writing, or from the proceedings in any other case under this Act or any other law, that spirit is unlawfully manufactured, or that any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act is kept or concealed. *Collector may issue search-warrant.*

Such warrant may be executed by any Excise-officer in the receipt of a monthly salary of not less than ten rupees, at the time and in the manner prescribed in section 29.

Whenever the Collector thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any Excise-officer as aforesaid in the manner prescribed in section 29, and shall cease to be in force at sunrise on the day next following. *Special warrant authorizing search at night.*

32. Whenever an Excise-officer arrests any person, or seizes any article liable to confiscation under this Act, *Excise-officer to report arrest, etc;*

or enters any place for the purpose of searching for any such article,

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[a-a, b-b] These words were inserted by Act VI of 1885, s 2, printed *infra*, p 123.

he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, seizure or search, to his official superior, and, unless acting under the warrant of the Collector, shall take the person arrested, or the article seized, with all convenient despatch to the Magistrate for trial or adjudication.

and to take person arrested to Magistrate.

Procedure after arrest or seizure.

33. Whenever any person is arrested or any article is seized under the warrant of a Collector issued under this Act, the officer making such arrest or seizure shall, within twenty-four hours thereafter, take the person arrested or the article seized to the Collector, and the Collector, after such enquiry as he thinks necessary, shall send such person or article to the nearest Magistrate, or shall order the immediate discharge of such person or the release of such article.

Police to aid Excise-officers.

34. All Police-officers are required to aid the Excise-officers in the due execution of this Act, upon request made by such officers.

Power to invest Police-officers with powers of Excise-officers.

[*] **34A.** The Local Government may, from time to time, invest either by name or in virtue of his office—

(*a*) any Police-officer with the powers conferred on Excise-officers by section 27 of this Act;

(*b*) any Police-officer in charge of a station or any Police-officer of or above the grade of head-constable or sergeant with the powers conferred on Excise-officers by sections 28 and 29 of this Act.

Every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an Excise-officer within the meaning of this Act.

CHAPTER VII.

PENALTIES.

For illegally manufacturing spirit or liquor.

35. Whoever in contravention of section 5 constructs, works or possesses a distillery, still or brewery, or makes fermented liquor, shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both;

and all spirit and liquor made in contravention of section 5, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

36. Any person who—

For illegally

(*a*) without a special pass from the Collector, introduces, into the limits

[*] S. 34A was inserted by Act VI of 1885, s. 3, printed *infra*, p. 123.

fixed for the consumption of spirit made at a distillery established under section 6, any country spirit manufactured at another place, or

introducing country spirit.

(*b*) in contravention of section 7 [a]or section 7A[a], or of any rule made under section 8 or section 9, removes any spirit from a distillery [b]or any fermented liquor from a brewery[b], or

For illegally removing spirit or fermented liquor.

(*c*) in contravention of section 23, brings any spirit [c]or fermented liquor [c] into any territory to which this Act extends, or [d]

For illegally importing spirit or fermented liquor.

[e](*d*) without payment of such duty (if any) as may for the time being be payable in pursuance of a notification under section 23A, brings any spirit or fermented liquor or intoxicating drug into any territory to which this Act extends,

For importing spirit, fermented liquor or intoxicating drug without paying duty.

shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both;

and the spirit, [f]or fermented liquor,[f][g] or intoxicating drug,[g] together with the vessels containing the same, and any animals and conveyances used in carrying it, shall be liable to confiscation.

37. Any person who, except in cases herein otherwise provided for, wilfully contravenes any rule made under section 8 or section 9 shall be punished with fine not exceeding one hundred rupees.

For contravening rules prescribed by Chief Revenue-authority.

38. Any person who, in contravention of section 11 or of any rule made thereunder, cultivates hemp or prepares any intoxicating drug, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For illegally cultivating hemp and preparing drugs.

39. Any person who, in contravention of section 12, sells any spirit, fermented liquor or intoxicating drug, shall be punished with imprisonment for a term which may extend to four months, or with a fine which may extend to one thousand rupees, or with both.

For illicit sale of spirit, etc.

40. Any person licensed to sell retail spirit, or fermented liquor, or intoxicating drugs, who permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any

For permitting drunkenness, etc., shop.

[a-a, b-b] These words, etc., were inserted by Act XIII of 1890, s. 5.

[c-c] These words were inserted by Act II of 1887, s. 6 (*1*), printed, General Acts, 1885-88, Ed. 1889, p. 120.

[d] The word "or" was added by Act X of 1893, s. 4 (*1*), printed *infra*, p. 124.

[e] Cl. (*d*) was added by Act X of 1893, s. 4 (*2*).

[f-f] These words were inserted by Act II of 1887, s. 6 (*2*).

[g-g] These words were inserted by Act X of 1893, s. 4 (*3*).

wearing-apparel or other effects in barter for spirit, fermented liquor or intoxicating drugs, shall be punished with fine which may extend to two hundred rupees.

Illegal possession of spirit, liquor or drug.

41. Any person who possesses any spirit, liquor or drug, in contravention of section 21 or section 22, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both;

and the spirit, liquor or drug, together with any vessels, packages and coverings in which it is contained, and any animals and conveyances used in carrying it, shall be liable to confiscation.

For refusal to produce license and for breach of rules and conditions.

42. Any person holding a license under this Act and refusing to produce the same on the demand of any Excise-officer, and any person who breaks any rule made under this Act or any condition of a license granted under this Act, for the breach of which rule or condition no other penalty is hereby provided, shall be punished with fine which may extend to fifty rupees.

For conniving at illicit manufacture or sale of spirit, etc.

43. Any owner or occupier of land, and any agent of any such owner or occupier, who authorizes or connives at the illegal manufacture of spirit or the sale of spirit or fermented liquor or intoxicating drugs shall for every such offence be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

And any person invested with local jurisdiction who authorizes or connives at the illegal sale of any spirit, fermented liquor or intoxicating drug within the local limits of such jurisdiction shall be punished with fine which may extend to five hundred rupees.

For Police neglecting to aid Excise-officers.

44. Any Police-officer who, without lawful excuse, neglects or refuses to aid an Excise-officer as required by section 34, and any officer in charge of a police-station who, on application made by an Excise-officer desiring to act under section 29, fails to attend a search himself, or to depute a subordinate officer of the required rank, shall be punished with fine which may extend to five hundred rupees.

For vexatious search or seizure.

45. Any Excise-officer who—

(*a*) without reasonable grounds of suspicion searches or causes to be searched any place, or

(*b*) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act, or

(*c*) vexatiously and unnecessarily arrests any person, or

(*d*) commits any other excess not required for the execution of his duty,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

46. Any Excise-officer who, in contravention of section 32 or section 33, neglects to report the particulars of an arrest, seizure or search, or delays taking to the Magistrate or Collector, as the case may be, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

For delay in reporting arrest, etc., or in taking person arrested to Magistrate.

[a] **47.** A Court shall not take cognizance of an offence punishable under any one of the following sections, namely, 35, 36, 37, 38, 39, 41, 42 and 43, except on the complaint or report of the Collector or an Excise-officer; and a Court shall not take cognizance of any offence punishable under this Act unless the prosecution is instituted before the expiry of six months next after the commission of such offence.

Prosecutions restricted.

48. Every person imprisoned for an offence under section 37 or section 42 shall be confined in the civil jail, and every person imprisoned for an offence under any other section shall be confined in the criminal jail.

Confinement in what jail.

49. Whoever attempts to commit any offence punishable under this Act, or abets, within the meaning of the Indian Penal Code[b], the commission of any such offence, shall be punished with the punishment provided for such offence.

XLV of 1860.

Attempts and abetments.

50. Any Magistrate before whom any person is convicted of any offence under sections 35, 36, 37, 38, 39, 41 or 43 may award to any person who has contributed in any way to such conviction the whole or any portion of any fine imposed upon the offender and paid by him or realized from his property.

Disposal of fines, etc., as rewards.

51. Any article liable to confiscation under this Act may, on the application of an Excise-officer, be confiscated by the order of any Magistrate within the local limits of whose jurisdiction it is found.

Magistrate to pass order of confiscation.

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[a] This section was substituted for the original s. 47 by Act VI of 1885, s. 4, printed *infra*, p. 123.

[b] See Act XLV of 1860, Ch. V. (For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.)

CHAPTER VIII.

MILITARY CANTONMENTS.

Manufacture and sale of spirits, etc., in military cantonments.

52. Within the limits of any military cantonment, and within such distance from those limits as the Local Government in any case prescribes, no licenses for the manufacture of spirit, or for the sale of spirit or fermented liquor, shall be granted, nor shall the fees leviable on licenses for the retail sale of such spirit or liquor, or the right to manufacture such spirit or liquor, be let in farm, unless with the knowledge and consent of the Commanding Officer; and upon his requisition any such license which has been granted either by the Collector or by a farmer, within such distance or limits shall be immediately cancelled.

Application of Act to military cantonments.

53. In all other respects the provisions of this Act shall have effect within such limits or distance. [a]

CHAPTER IX.

MISCELLANEOUS.

Collector subject to control of Commissioner.

54. The Collector shall in all proceedings under this Act be subject to the control of the Commissioner of Revenue, and all orders passed by a Collector under this Act shall be appealable to such Commissioner in manner provided by the rules for the time being in force relating to appeals from the orders of Collectors.

The Chief Revenue-authority may revise any order passed by a Collector under this Act or by a Commissioner under this section.

Additional power to make rules.

55. The [b]Chief Revenue-authority[b] may, from time to time, make rules consistent with this Act—

(*a*) as to the period for which any license or farm under this Act shall be granted;

(*b*) as to the fee payable for any such license or farm, and the time or times at which it shall be payable;

(*c*) as to the security to be given by any licensee or farmer under this Act;

(*d*) as to the form of any license or farming lease and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein;

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[a] The proviso, repealed by Act XIII of 1889, is omitted.
[b-b] These words were substituted for the original words by Act XII of 1891.

(*e*) as to the disposal of things confiscated under this Act;

(*f*) as to the duties of Excise-officers; and

(*g*) to provide generally for carrying out the provisions of this Act.

Power to exempt articles and persons.

56. The Local Government may from time to time, by notification in the official Gazette, exempt within any specified local area any specified articles or any specified class of persons from all or any of the foregoing provisions of this Act, and may, by like notification, cancel any such exemption.

ACT No. VI OF 1885.

(*Received the Governor General's assent on the 6th February, 1885.*)

An Act to amend Act XXII of 1881.

XXII of 1881.

WHEREAS it is expedient to amend the Excise Act, 1881; It is hereby enacted as follows:—

Amendment of section 28 of said Act.

1. In section 28 of the said Act, after the words "ten rupees" the words "or who receives an annual remuneration equivalent to such salary" shall be inserted.

Amendment of section 29.

2. In the first paragraph of section 29 of the same Act, after the word "salary" the words "or annual remuneration" shall be inserted; and in the second paragraph of the same section, after the word "rupees" the words "unless the Excise-officer is himself such an officer of police," shall be inserted.

New section inserted after section 34.

3. In the same Act, after section 34, the following section shall be inserted:—

[Printed *supra*, p. 118.]

New section substituted for section 47.

4. For section 47 of the same Act the following shall be substituted, namely:—

[Printed *supra*, p. 121.]

ACT No. III OF 1886.

(*Received the Governor General's assent on the 29th January, 1886.*)

An Act to amend the Northern India Ferries Act, 1878.

XVII of 1878.

WHEREAS it is expedient to amend the Northern India Ferries Act, 1878; It is hereby enacted as follows:—

Substitution of new section for sec-

1. (*1*) For section 8 the following shall be substituted, namely:—

[Printed *supra*, p. 82.]

tion 8, and amendment of sections 12 and 15.

(*2*) For section 12, clause (*b*), the following shall be substituted, namely :—

[Printed *supra*, p. 83.]

(*3*) In the third paragraph of section 15, for the word "auction" the word "lease" shall be substituted.

Amendment of section 13, and substitution of new section for section 26.

2. (*1*) For the first paragraph of section 13 the following shall be substituted, namely :—

[Printed *supra*, p. 84.]

(*2*) In the second proviso to the said section, after the word "boats" the words "which do not ply for hire or" shall be inserted.

(*3*) For section 26 the following shall be substituted, namely :—

[Printed *supra*, p. 87.]

ACT No. X OF 1893.

(*Received the Governor General's assent on the 1st September, 1893.*)

An Act to amend the Excise Act, 1881.

WHEREAS it is expedient to amend the Excise Act, 1881; It is hereby enacted as follows :— XXII of 1881.

Addition of *Explanation* to section 7, Act XXII, 1881.

1. The following shall be added to section 7 of the said Act, namely :—

[Printed *supra*, p. 110.]

Insertion of new section after section 23

2. After section 23 of the said Act the following shall be inserted, namely :—

[Printed *supra*, p. 116.]

New heading to Chapter V.

3. The heading to Chapter V of the said Act shall be—

"IMPORT OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS."

Amendment of section 36.

4. (*1*) To clause (*c*) of section 36 of the said Act the word "or," shall be added.

(*2*) After the said clause the following clause shall be added, namely :—

[Printed *supra*, p. 119.]

(*3*) In the last paragraph of the said section 36, the words "or intoxicating drug" shall be inserted between the words "fermented liquor" and the words "together with".

PART III.

REGULATIONS MADE UNDER THE STATUTE 33 VICTORIA, CHAPTER 3, [a] IN FORCE IN AJMERE-MERWARA:

THE AJMERE TALUQDARS' RELIEF REGULATION, 1872.[b]

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[a] The Statute 33 Vict., c. 3, is printed in the collection of Statutes relating to India, Ed. 1881, Vol. II, p. 878. Section 1 of the Statute was declared applicable to Ajmere-Merwara by Resolution of the Secretary of State for India in Council dated the 16th March, 1871—see Gazette of India, 1871, Pt I, p. 398.

[b] This title was given by Notification No. 13, dated 11th October, 1875, in Gazette of India, 1875, Pt. I, p. 529.

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REGULATION No. IV OF 1872.

A Regulation for the relief of the embarrassed Taluqdars, Thakurs and Jagirdars of Ajmere.

(*Published in the Gazette of India, 1872, Part I, p. 894, and in the Rajputana Official Gazette of 7th October, 1872, p. 1.*)

Preamble.

WHEREAS most of the Taluqdars, Thakurs and Jagirdars of the districts of Ajmere are deeply in debt, and their immoveable property is subject to mortgages, charges, liens and other encumbrances;

and whereas it is expedient to provide for their relief in manner hereinafter appearing;

and whereas a draft of this Regulation has been proposed by the Chief Commissioner of Ajmere to the Governor General in Council, and such draft has been taken into consideration and approved of by the Governor General in Council, and assented to by the Governor General under section 1 of the Statute 33 of Victoria, cap. 3; [a]

It is hereby enacted as follows :—

Interpretation-clause.

1. In this Regulation "Chief Commissioner" means the Chief Commissioner of Ajmere:

[a] Printed in the Collection of Statutes relating to India, Ed. 1881, Vol. II, p. 878.

"Commissioner" means the Commissioner of Ajmere: and

"Taluqdar, Thakur or Jagirdar" means a person whose name is entered in the schedule hereto annexed.

Application for benefit of Regulation.

2. Whenever, within twelve months after this Regulation has been proclaimed in the District of Ajmere, any Taluqdar, Thakur or Jagirdar,

or (when such Talukdar, Thakur or Jagirdar is an infant, or of unsound mind, or an idiot) his guardian, committee or other legal curator,

addresses the Commissioner in writing, stating that he is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due or liabilities incurred to Government, and requesting that the provisions of this Regulation shall be applied to his case, he shall be required to present an application in writing to the Commissioner.

Contents of application.

3. The application shall contain the following particulars, and the statements therein contained shall be verified by the applicant or some other competent person in manner required by law for the verification of plaints:—

(*a*) the amount of the applicant's debts and liabilities, with all mortgages, charges, liens and other encumbrances affecting his property, expressed in Government rupees:

(*b*) the estimated amount of his annual income expressed in Government rupees:

(*c*) the amount of Government revenue chargeable on his property, including the amount (if any) still remaining due on account of any advances made to him by Government:

(*d*) the particulars of his debts and liabilities with the interest (if any) due to date:

(*e*) a declaration that the list of his debts includes all his pecuniary liabilities, personal or otherwise, of which he is aware:

(*f*) a declaration that he has been made acquainted with the provisions of this Regulation, and is anxious to have his property managed under it, and agrees to abide by the provisions contained herein and in the rules made hereunder.

Procedure on receipt of application.

4. On receiving any such application the Commissioner may, by order published in the local Gazette, declare the immoveable property of the Taluqdar, Thakur or Jagirdar to be under the management of his Court.

Consequences of notice.

5. On such publication all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India shall be barred; and all processes, executions and attachments for, or in respect of, such debts or liabilities shall become null and void.

Bar of jurisdiction of certain Courts in respect of property under management.

6. So long as such management continues, all Civil Courts, except the Court of the Commissioner, shall be precluded from entertaining any application, petition or suit respecting such property :

Provided that nothing herein contained shall prevent the Commissioner referring any such case for investigation and decision by any Court subordinate to him :

And, when such application, petition or suit has been referred to such Court, it shall be guided by the rules for the the time being in force relating to Civil Procedure, except that no orders as to the mode of execution of any decree passed in the suit shall be made by such Court:

And, when such Court has passed its decision (subject to the ordinary right of appeal in civil cases), such Court or Appellate Court shall certify its final decision to the Commissioner, who shall proceed to pass such order for its execution as shall be just and expedient with reference to other claims admitted against the property.

Service of notice on claimants.

7. When the property has been declared under rule 4 to be under the management of the Court, notice shall be served on every creditor mentioned in the application to be present in the Commissioner's Court, on a convenient date to be fixed by the Commissioner, and to produce proof of the amount due to such creditor.

Publication of notice.

8. At the same time a notice shall be published in the local Gazette, calling on all persons having claims on the property, or on the Taluqdar, Thakur or Jagirdar, personally to appear before the Commissioner within three months from the date of the publication and substantiate their claims.

Claimant failing to appear within time appointed.

If any such claimant fail so to appear within that period, his claim shall be barred :

Provision for admission of claim within further period of nine months.

Provided that, when proof is made to the Commissioner that the claimant was unable so to appear, the Commissioner may admit such claim within the further period of nine months from the expiration of the said period of three months.

Languages in which notice to be published.

9. All notices under this Regulation shall be published in English, Urdu and Hindi in the local Gazette, and in such other manner as the Commissioner may direct.

Claim to contain full particulars; documents to be filed.

10. Every claimant shall with his claim present full particulars thereof.

Every document on which he relies in support of his claim shall also be filed in the Commissioner's Court.

Entries in books.

If the document be an entry in any book, the claimant shall produce the

book in Court, together with a copy of the entry on which he relies; the book shall be marked by the Commissioner for the purpose of identification; and, after the copy has been examined and compared with the original, the book itself shall be returned.

11. If the debt be acknowledged by the debtor, and there be no reason to believe that any collusion exists between the creditor and the debtor, then the amount of such debt shall be entered in the schedule of debts admitted against the property. Procedure in respect of debt admitted.

12. If the debt be denied, or the amount be disputed, or collusion, fraud or extortion be suspected, the Commissioner may refuse so to enter the whole debt or such portion thereof as he thinks fit. Procedure in respect of disputed debt, or where collusion, etc., suspected.

13. If the Commissioner see fit, he may refer the suit for the whole debt, or any portion thereof, to any Court subordinate to him for investigation and decision: Investigation of claim.

Provided that the creditor shall file in the Commissioner's Court a stamp-paper of the value prescribed by the Court-fees Act, 1870,[a] for the plaint in a suit for such debt or portion. Proviso.

VII of 1870.

14. If the Commissioner does not see fit to refer the case to a subordinate Court, the creditor may appeal against the Commissioner's order refusing to enter his debt, or any portion thereof, to the Chief Commissioner, whose decision thereon shall be final. Appeal against order refusing to enter debt.

15. The Commissioner shall prepare a schedule of such debts and liabilities, and a scheme for the settlement thereof, and shall submit such scheme for the sanction of the Chief Commissioner. Schedule of debts and liabilities and scheme for settlement.

16. When the Chief Commissioner has sanctioned the scheme so submitted, it shall be announced to the creditor and to the Taluqdar, Thakur or Jagirdar concerned, and shall then be carried into effect. Procedure on sanction of scheme.

17. Every scheme so sanctioned shall provide— What scheme to provide for.

(*a*) for the due maintenance of the Taluqdar, Thakur or Jagirdar, and his family, and

(*b*) for the payment of the Government dues in respect of the property, and for any expenditure that may be deemed necessary for its repairs and improvement:

and shall declare—

(*c*) whether any creditors, and, if any, what creditors, have a preferential

[a] For Act VII of 1870 see the revised edition, as modified up to 1st July, 1891, published by the Legislative Department

right on the property, and, if so, what is the nature of such preferential right and how it is to be exercised :

(*d*) when and how the remaining creditors shall be paid : and

(*e*) what rate of interest, if any, shall be paid on the debts mentioned in the schedule until they are liquidated.

Power in respect of property in possession of mortgagee.

18. If the property or any part thereof be in the possession of a mortgagee, the Commissioner shall have power to cause the same to be delivered to such person as the Commissioner thinks fit, as if a decree therefor had been made in his favour, but without prejudice to the mortgagee preferring his claim under the provisions herein contained.

Power to raise money for settlement of debts.

19. The Commissioner shall have power to raise any money which may be required for the settlement of the debts or liabilities to which the Taluqdar, Thakur or Jagirdar is subject, or with which his immoveable property or any part thereof is charged, either

by mortgage of the whole of the interest of the Taluqdar, Thakur or Jagirdar in such property or any part thereof, or

by letting by way of mortgage the same property or any part thereof for a term not exceeding twenty years from the date of the letting :

Proviso.

Provided that, in the former case, the previous consent of the Chief Commissioner shall have been obtained, and that in the latter case the previous consent of the Taluqdar, Thakur or Jagirdar shall have been obtained.

Appointment of Taluqdar, etc., to be manager of his property.

20. It being desirable to retain the authority and position of the Taluqdar, Thakur or Jagirdar, while arrangements are in force for relieving his property of encumbrances, the Commissioner may, if he thinks fit, appoint the Taluqdar, Thakur or Jagirdar to be manager of his property, subject to the conditions and stipulations contained in the scheme submitted to, and sanctioned by, the Chief Commissioner.

Continuance of Taluqdar as manager, contingent on his observance of conditions imposed.

21. So long as such conditions and stipulations are complied with, the Taluqdar, Thakur or Jagirdar shall be left in undisturbed possession of his property.

Non-observance of conditions.

22. If any such conditions or stipulations be not complied with by the Taluqdar, Thakur or Jagirdar, the Commissioner shall, in the first instance, warn him that the management of the property will be taken out of his hands if he continue to fail in such compliance.

Procedure on

23. If after this further default be made, the Commissioner may, with

the previous sanction of the Chief Commissioner, appoint a manager of the property other than the Taluqdar, Thakur or Jagirdar. *further default.*

24. From the date of such appointment the Taluqdar, Thakur or Jagirdar shall be incompetent to grant valid receipts for the rents and profits of any kind arising or accruing from his property. *Taluqdar, etc., superseded in management incompetent to grant receipts.*

25. From such date the manager shall have, for the purpose of realizing and recovering the rents and profits of the property, and for general management, the same powers as the Taluqdar, Thakur and Jagirdar had for such purpose previously to his removal from the management of his property. *Powers of manager.*

26. During the management of his property by the Court, no Taluqdar, Thakur or Jagirdar shall have power to borrow money, or to alienate his property, or any part thereof; nor shall he be bound by any contract made by him during such management, unless it is in writing, and has been entered into with the consent of the Commissioner, and bears the Commissioner's official signature and seal. *Disabilities of Taluqdar, etc., during period of management.*

27. An account in English and Hindi of all claims admitted and payments made in each case under this Regulation shall be kept in the Commissioner's Court; and the Taluqdar, Thakur or Jagirdar, and also all his creditors and their respective representatives in interest, may, at all convenient times, inspect such account. *Accounts to be kept.*

28. Every document filed under this Regulation by a creditor in proof of his claim shall, after the claim has been admitted and entered in the schedule, be defaced or cancelled by writing across it the fact under the official signature and seal of the Commissioner. *Cancellation of documents in proof of claim.*

29. For the purposes of this Regulation, the Commissioner may enforce the attendance of witnesses, and compel them to give evidence by the same means and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.[a] *Power to enforce attendance of witnesses.*

XIV of 1882.

30. The Commissioner may administer an oath or affirmation in such form as he thinks fit to any person examined before him touching any of the matters to be enquired into under this Regulation. *Power to administer oath or affirmation.*

31. Every investigation conducted by the Commissioner with reference to any claim preferred before him under this Regulation, or to any matter connected with any such claim, shall be deemed a judicial proceeding within the meaning of the Indian Penal Code[b]: *Investigation to be judicial proceeding.*

XLV of 1860.

[a] This reference to Act VIII of 1859 should now be read as applying to Act XIV of 1882—see s 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

and statement to be evidence.

And every statement made by any person examined by or before the Commissioner with reference to such investigation, whether upon oath or otherwise, shall be deemed evidence within the meaning of the same Code.

Power to make rules.

32. The Chief Commissioner may from time to time make additional rules consistent with this Regulation to provide for all matters connected with its enforcement.

Such rules, when approved by the Governor General in Council and published in the local Gazette, shall have the force of law.

Manager to be public servant.

33. Every manager appointed under this Regulation shall be deemed a public servant within the meaning of the Indian Penal Code.[a] XLV of 1860.

Bar of suits.

34. No suit or other proceeding shall be maintained against any person in respect of anything done or purporting to be done by him in good faith pursuant to this Regulation.

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

THE SCHEDULE.

(See section 1.)

LIST OF TALUQDARS, THAKURS AND JAGIRDARS IN THE AJMERE DISTRICT.

No.	Name of individual	Caste	Name of village or villages in Taluqa	REMARKS
		TALUQDARS.		
1	Raja Mungul Singh . . .	Rajput . . .	Taluqdar, Bhinai.	
2	Chundur Singh . . .	Ditto . . .	Ditto, Surana . . .	Sub-Taluqdar of Bhinai
3	Chimun Singh	Ditto . . .	Ditto, Sholean.	
4	Chuttur Bhooj	Charun . . .	Ditto, Kotree.	
5	Runjeet Singh	Rajput . . .	Ditto, Bandhunwarrah.	
6	Chundun Singh	Ditto . . .	Ditto, Jaolah	
7	Bheem Singh	Ditto . . .	Ditto, Jotayan.	
8	Bhopal Singh	Ditto . .	Ditto, Kullyanpoora	
9	Kurrun Singh	Ditto . . .	Ditto, Padlia.	
10	Hunwunt Singh	Ditto . . .	Ditto, Ameerguih . .	Sub-Taluqdar of Bandhunwarrah
11	Hurree Singh	Ditto . . .	Ditto, Dewulia.	
12	Debee Singh	Ditto . . .	Ditto, Goodha Kullan.	

THE SCHEDULE—*continued.*

LIST OF TALUQDARS, THAKURS AND JAGIRDARS IN THE AJMERE DISTRICT—*continued.*

No.	Name of individual	Caste.	Name of village or villages in Taluqa.	REMARKS.
		TALUQDARS—*continued.*		
13	Chutter Singh	Rajput	Taluqdar, Nandee.	
14	Purtab Singh	Ditto	Ditto, Keyrote.	
15	Mungul Singh	Ditto	Ditto, Koorthul.	
16	Sheo Singh	Ditto	Ditto, Kanai Kullan.	
17	Debee Singh	Ditto	Ditto, Judana Jeytpoora.	
18	Sawunt Singh	Ditto	Ditto, Kabanea.	
19	Moadh Singh	Ditto	Ditto, Shokla.	
20	Pem Singh	Ditto	Ditto, Urwur.	
21	Bulwunt Singh	Ditto	Ditto, Shoklee.	
22	Zalim Singh	Ditto	Ditto, Roognathgurh.	
23	Bijay Singh	Ditto	Ditto, Reechmaleean.	
24	Moarh Singh	Ditto	Ditto, Santola.	
25	Kurrun Singh	Ditto	Ditto, Burlee.	
25A	Sawunt Singh	Ditto	Ditto, Kunai Khoord	Sub-Taluqdar of Purlee.

26	* * *	Ditto	Ditto, Goella.	
27	Sheodan Singh	Ditto	Ditto, Nagelao.	
28	Bhaboot Singh	Ditto	Ditto, Tantotee.	
29	Bhowanee Singh	Ditto	Ditto, Baoree.	
30	Madho Singh	Ditto	Ditto, Sawur.	
31	Kishun Singh	Ditto	Ditto, Bassoondnee	Sub-Taluqdar of Sawur.
32	Chuttur Singh	Ditto	Ditto, Chousla	Ditto ditto.
33	Hurnath Singh	Ditto	Ditto, Tankawas	Ditto ditto.
34	Raghodan and Pirbhoodan Charuns	Charun	Ditto, Bhandawoo Rajpoorah	Ditto ditto.
35	Mehtab Singh	Rajput	Ditto, Mehroon Khoord	Ditto ditto.
36	Dhounkul Singh	Ditto	Ditto, Deokharee	Ditto ditto.
37	Kurun Singh	Ditto	Ditto, Chand Thullee	Ditto ditto.
38	Ram Singh	Ditto	Ditto, Peeplaj.	
39	Bahadoor Singh	Ditto	Ditto, Massooda.	
40	Sadool Singh	Ditto	Ditto, Suthana.	
41	Chuttur Sal	Ditto	Ditto, Lamba.	
42	Dheerut Singh	Ditto	Ditto, Nugur.	
43	Oday Singh	Ditto	Ditto, Sukranee.	
44	Pirthee Singh	Ditto	Ditto, Nundwara	Sub-Taluqdar of Massooda.

THE SCHEDULE—*continued.*

LIST OF TALUQDARS, THAKURS AND JAGIRDARS IN THE AJMERE DISTRICT—*continued.*

No.	Name of individual.	Caste.	Name of village or villages in Taluqa.	REMARKS.
		TALUQDARS—*continued.*		
45	Hunote Singh	Rajput	Taluqdar, Ukiole	Sub-Taluqdar of Massooda.
46	Purtab Singh	Ditto	Ditto, Keyloo	Ditto ditto.
47	Zorawur Singh	Ditto	Ditto, Shairghur	Ditto ditto.
48	Bheem Singh	Ditto	Ditto, Futtehgurh	Ditto ditto.
49	Futteh Singh	Ditto	Ditto, Kesurpoora	Ditto ditto.
50	Megh Singh	Ditto	Ditto, Lalawas	Ditto ditto.
51	Dowlut Singh	Ditto	Ditto, Jamola	Ditto ditto.
52	Luchmun Rawul	Jogee	Sheopoorea	Ditto ditto.
53	Kullyan Singh	Rajput	Khera	Ditto ditto.
54	Joudhrawul	Jogee	Asun	Ditto ditto.
55	Kullyan Singh	Rajput	Joonea.	
56	Ameer Singh	Ditto	Taluqdar, Mundah	Sub-Taluqdar of Joonea.
57	Buldeo	Charun	Ditto, Lissarea.	
58	Deo Singh	Rajput	Ditto, Deolya Khoord.	

59	Man Singh	Ditto	Ditto, Kuronj.	
60	Mehtab Singh	Ditto	Ditto, Bogla Kalahera.	
61	Kaloo Singh	Ditto	Ditto, Mehroon.	
62	Doorjun Sal	Ditto	Ditto, Kadera.	
63	Chuttur Sal	Ditto	Ditto, Tiewarrea.	
64	Modh Singh	Ditto	Ditto, Nemode.	
65	Dhounkul Singh	Ditto	Ditto, Sankurya.	
66	Raja Purtab Singh	Ditto	Ditto, Puisangun.	
67	Sheonath Singh	Ditto	Ditto, Para.	
68	Jowahir Singh	Ditto	Ditto, Kodah.	
69	Nathoo Singh	Ditto	Ditto, Meoda Khoord.	
70	Subheh Singh	Ditto	Ditto, Sudara.	
71	Urjun Singh	Ditto	Ditto, Goolgaon.	
72	Mehpall Singh	Ditto	Ditto, Khawas Sirsiree.	
73	Roog Nath Singh	Ditto	Ditto, Pranhera.	
74	Juswunt Singh	Ditto	Ditto, Khurwa.	
75	Nathoo Singh	Ditto	Ditto, Nasone	Sub-Taluqdar of Khurwa.
76	Ram Singh	Ditto	Ditto, Deogaon Bughera.	
77	Esree Singh	Ditto	Ditto, Sularee.	

THE SCHEDULE—*concluded.*

LIST OF TALUQDARS, THAKURS AND JAGIRDARS IN THE AJMERE DISTRICT—*concluded.*

No.	Name of individual.	Caste.	Name of village or villages in Taluqa.	REMARKS
		TALUQDARS—*concluded.*		
78	Luchmun Singh	Rajput	Taluqdar, Gobindgurh.	
79	Nahur Singh	Ditto	Ditto, Bagsooree.	
80	Sumruth Singh and Roog Nath Singh	Ditto	Ditto, Boobanea.	
81	Futteh Singh	Ditto	Ditto, Munohurpoor	
82	Phool Singh and Suman Singh	Ditto	Ditto, Kureil	Istimiardars.
83	Chuttur Singh	Ditto	Ditto, Richmalean	
84	Jogee Dass	Ditto	Ditto, Meywarea.	
85	Bishun Singh	Ditto	Ditto, Seethun.	
86	Shumsher Khan	Cheeta	Rajosee	Istimrardar.
87	Heemta Khan and Shumsher Khan	Ditto	Nowsur	Istimrardars.
88	Roopa, Meyda, Dulla and Roogha	Ditto	Ajaysur	Ditto.
89	Roopa, Jodha and Akha	Ditto	Khareikree	Ditto.

JAGIRDARS.

1	Dewan Gyaluddeen Ali Khan Deewanjee, Sujjada Nusheen.		.....	Hokran Kishunpoora.
2	Meer Imam Ali		.....	Dilwaira.
3	Enayat-oollah Shah . . .		.....	Doodiana.
4	Nizam Ali and Surfraz Ali, sons of Irshad Ali.		.....	Jhurwassa.
5	Meer Hufeez Ali, Mootwullee Durgah. Meer Wazeer Ali		.....	Morajhurree and Buneoree.
6	Mahomed Hossein and Ameer Ali .		.....	Ditto ditto.
7	Yoosoof Ali and Wazeer Ali . .		.....	Nandla.
8	Nawab Abdool Kureem Khan .	Puthan		Deoranthoo, Bohraj, Quazeepoora and Seetowuryan.
9	Raja Bulwunt Singh, Bukhtawur Singh and Onar Singh.	Rajput		Gugwana, Oontra and Mugra
10	Salug Ram Joshee . . .	Brahman . . .		Mungliawass.
11	Raja Deebee Singh, Rajgurh . .	Rajput		Jagirdar, Kotheeaj.
12	Purmanund Dhoodhadharee . .	Byragee . . .		Bhugwanpoora and Lalla Khera.
13	Gokulpooree Gosain . . .	Gossain		Chawundea.
14	Shurf-ood-deen Inaet-ool-lah Shah .	Sayad		Akhree.
15	Ashruf Ali, Surfaraz Ali and Assad Ali.	Ditto		Ganahera.
16	Meer Nizam Ali, Wazeer Ali . .	Ditto		Hathee Khera.

THE AJMERE FOREST REGULATION, 1874.[a]

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SCHEDULE A.—FORM OF DECLARATION FOR TAKING UP LAND.
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REGULATION No. VI OF 1874.

A Regulation to provide for the establishment of State Forests in Ajmere and Merwara, and to prevent the indiscriminate felling of trees and removal of jungle in Merwara.

(*Published in the Gazette of India, 1874, Pt. I, p. 618, and in the Rajputana Official Gazette of 2nd January, 1875, p. 2.*)

Preamble. WHEREAS, by a Resolution passed by the Secretary of State in Council on

[a] This title was given by Notification No. 13, dated 11th October, 1875, in Gazette of India, 1875, Pt. I, p. 529.
As to the application of Reg. VI of 1874 to estate commons, see Reg. I of 1892, *infra*, p. 272.

the sixteenth day of March, 1871, the provisions of the 33rd of Victoria, chapter 3, section 1 [a], were declared applicable to Ajmere and Merwara:

And whereas the Chief Commissioner of Ajmere has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same:

And whereas the Governor General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor General's assent:

In pursuance of the direction contained in the said section, the said Regulation is now published in the Gazette of India, and will be published in the local Gazette, and will thereupon have the force of law:—

Preliminary.

1. This Regulation may be called the Ajmere Forest Regulation, 1874. Short title.

2. In this Regulation, unless there be something repugnant in the subject or context,— Interpretation-clause.

the expression "villagers" includes the members of the proprietary body of any village, and any other persons or class of persons who may, by a written order of the Commissioner, subject to the control of the Chief Commissioner, be declared entitled to the status of villagers under this Regulation;

the expression "Forest-officer" means any person or persons whom the Chief Commissioner of Ajmere from time to time appoints to exercise the powers and perform the duties hereby conferred and imposed on a Forest-officer;

and the expression "cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids.

Taking up of Land under this Regulation.

3. Whenever it appears to the Chief Commissioner of Ajmere expedient that any tract of waste or hilly land comprised in the area of any village should be taken up by the Government for the purposes of a State-forest, a declaration in the form given in Schedule A hereto annexed, or to the like effect, and describing the land by its boundaries, or otherwise with convenient certainty, shall be published in the local Gazette, and a copy of such declaration in Hindi, together with a written explanation in Hindi of the terms as Declaration for taking up land.

[a] Printed in the Collection of Statutes relating to India, Ed. 1881, Vol. II. p. 878.

hereinafter laid down on which the land is taken by the Government, shall be delivered to the lambardars of the village.

Legal effect of such declaration.

4. Such declaration shall be conclusive evidence as to the nature and condition of the land and as to the expediency of taking it up;

and on its publication in the local Gazette the following consequences shall ensue :—

(*a*) the proprietary right to the land shall vest in the Crown, and, in lieu of all rights which any person may now have in or to such land, the rights hereinafter in that behalf mentioned shall be reserved to the villagers ;.

(*b*) the Forest-officer may enter and take possession ;

Rights created in favour of villagers—

(*c*) subject to the rules and limitations in the next following section provided, the undermentioned rights over the land may be exercised by the villagers, that is to say—

to cut grass,

(i) a right to enter upon the land to cut grass thereon ;

to cut wood,

(ii) a right to enter upon the land to cut such wood as is reasonably necessary for their household requirements and agricultural implements ;

to use ways.

(iii) a right to use all such ways of a defined and permanent character over the land as were in use by them at the time the declaration was published and are still adapted for use.

Villagers' rights to be exercised under control of Forest-officer.

5. The rights vested in the villagers under section 4 shall be exercised subject to the control of the Forest-officer, who may, from time to time, among other things, and subject to an appeal to the Commissioner of Ajmere—

(*a*) issue written orders, determining the seasons at which grass may be cut and the mode of cutting it, and prohibiting the cutting of it in any part of the land where such cutting would tend to damage the trees there growing ;

(*b*) issue written orders determining the season when, and the place where, wood is to be cut ;

(*c*) stop any way across the land, and assign another way instead of it, provided that the new way set out by him be a reasonably convenient substitute for the way so stopped.

Payment of nett profits resulting from State-forest-operations.

6. There shall be distributed among and paid to those who, previous to the taking up of the land, were interested therein, the following proportions of the nett profits (if any) from time to time resulting from the State-forest-operations on the land, after deducting all expenses of management, namely, of profits from operations other than the working of mines and quarries—two-thirds ; of profits from the working of the mines and quarries—one-half.

The amount of such profits, the times at which they are payable, the persons entitled to participate in them, the shares claimable by such persons, and the mode of distribution, shall be determined by the said Commissioner, subject to the control of the said Chief Commissioner, by a declaration in writing, and such declaration shall be final and conclusive as against all persons concerned.

Forfeiture of part of profits for misconduct.

7. If the members of any village-community, or any other persons entitled to a share of profits under such declaration, have interfered with or obstructed the State-forest-operations, or have not rendered such assistance to the Forest-officer as may be lawfully required of them, the said Chief Commissioner may direct that there shall be withheld from them a sum not exceeding one-half of the profits which would otherwise have accrued to them or to the village-community of which they are members, and such sum shall be withheld accordingly, and shall be credited to the Forest Department.

No fine to be levied for cattle-trespass on unprotected forest.

8. When any land has been taken up for a State-forest under this Regulation, no fine shall be levied in respect of any trespass by cattle thereon until the Forest-officer has efficiently protected that portion in which grazing is prohibited, by fencing, or, with the Commissioner's sanction, demarcated it by conspicuous marks which have been duly notified in the vicinity. But this section shall not apply where cattle have been wilfully caused to trespass by the owner or any person in charge of them.

Power to make rules.

9. The Chief Commissioner of Ajmere may, by a notification in the local Gazette, make rules consistent with this Regulation for the management and protection of State-forests created under the provisions herein contained, and may, by a similar notification, from time to time alter, add to or rescind such rules. He may, in making any such rule, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, of a fine not exceeding, for the first offence, rupees fifty, and for the second or any subsequent offence, rupees one hundred.

Relinquishment of Land taken up under this Regulation.

Declaration for relinquishing land.

10. Whenever it appears to the said Chief Commissioner that a tract of land taken up under this Regulation is no longer required for the purposes of a State-forest, a declaration in the form given in Schedule B hereto annexed, or to the like effect, and describing the land by its boundaries, or otherwise with convenient certainty, shall be published in the local Gazette, and a copy of the same in Hindi shall be delivered to the lambardars of each village within the area of which any portion of such land was originally included.

(*Relinquishment of Land taken up under this Regulation. Sec. 11. Restriction of the Right of felling Trees and making Charcoal. Sec. 12. Recovery of Fines. Sec. 13. Schedule A.—Form of Declaration for taking up Land.*)

Restoration of land disforested.

11. After publishing such declaration, the Commissioner of Ajmere shall, as soon as conveniently may be, proceed to restore the land so disforested to the communities or persons to whom it belonged before it was afforested so far as the change of circumstances will permit, and subject to such charges for works of permanent improvement effected by the Government as to the said Commissioner seems proper.

For this purpose he shall issue an order in writing specifying the communities or persons to whom each portion of the disforested land is to be restored, and their interests therein, and the nature and incidence of the charges thereon. Such order shall be binding and conclusive on all parties concerned.

Restriction of the Right of felling Trees and making Charcoal.

Chief Commissioner may make rules

12. The Chief Commissioner of Ajmere may, by a notification in the local Gazette, make rules for the prevention of charcoal-burning and destruction of trees in the vicinity of the State-forests or in other places where these practices may in his opinion be injurious. In issuing such rules due regard will be had to proprietary rights.

Recovery of Fines.

Recovery of fines.

13. The provisions of sections 63 to 70, both inclusive, of the Indian Penal Code,[a] and of sections 386 to 389 of the Code of Criminal Procedure, 1882,[b] shall apply to all fines imposed under this Regulation, or under the rules made in the exercise of the power given by section 9 of the same. XLV of 1860. X of 1882.

SCHEDULE A.

(*See section 3.*)

FORM OF DECLARATION FOR TAKING UP LAND.

The waste ($\frac{\text{or}}{\text{and}}$) hilly land below described, being required for the purposes of a State-forest, is hereby, under the orders of the Chief Commissioner, taken up for such purpose, and the present declaration is made and published under the Ajmere Forest Regulation, 1874, section 3.

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] The reference to Act X of 1872, s. 307, is altered in accordance with Act X of 1882, s. 3 (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department)

SCHEDULE B.

(*See section 10.*)

FORM OF DECLARATION FOR RELINQUISHING LAND.

The land below described being no longer required for the purposes of a State-forest, is hereby, under the orders of the Chief Commissioner, relinquished, and the present declaration is made and published under the Ajmere Forest Regulation, 1874, section 10.

THE AJMERE COURTS REGULATION, 1877.

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REGULATION I OF 1877.

A Regulation to consolidate and amend the law relating to the administration of Civil and Criminal Justice in Ajmere and Merwara.

(*Received the assent of the Governor General on the 3rd May, 1877, and published in the Gazette of India, 1877, Part I, p. 227, and in the Rajputana Official Gazette, 1877, p. 116.*)

WHEREAS it is expedient to consolidate and amend the law relating to the administration of civil and criminal justice in Ajmere and Merwara; It is hereby enacted as follows:— Preamble

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Ajmere Courts Regulation, 1877. Short title.

It extends to all the territories now under the administration of the Chief Commissioner of Ajmere, and to which the provisions of the 33 Vict., cap. 3, section 1, [a] have been applied; Local extent.

And it shall come into operation on such date [b] as the said Chief Commissioner, with the previous sanction of the Governor General in Council, may, by a notification in the Gazette of India, direct. Commencement.

2. [*Repeal of enactments.*] *Repealed by Reg. IX of 1893.*

3. [*Pending Proceedings.*] *Repealed by Reg. IX of 1893.*

CHAPTER II.

OF THE ADMINISTRATION OF CIVIL JUSTICE.

A.—General.

4. For the purposes of the administration of civil justice the said territories shall form a single district, and Ajmere and Merwara a single district.

there shall be five grades of Civil Courts in such district (namely):— Grades of Courts in such district.

1st, the Court of the Chief Commissioner;

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[a] Printed in the Collection of Statutes relating to India, Ed. 1881, Vol. II, p. 878.
[b] The 1st of June, 1877—see Gazette of India, 1877, Pt. II, p. 290, and Rajputana Official Gazette, 1877, p. 126.

2nd, the Court of the Commissioner;

3rd, the Courts of Subordinate Judges of the first class;

4th, the Courts of Subordinate Judges of the second class;

5th, the Courts of Munsifs.

Appointment of Subordinate Judges and Munsifs.

5. The Chief Commissioner, with the previous sanction of the Governor General in Council may appoint as many persons as he thinks fit either by name or office to be in such district Subordinate Judges of the first or of the second class or Munsifs.

B.—Of Original Jurisdiction.

Court of Commissioner.

6. The Court of the Commissioner shall be deemed, for the purposes of all enactments for the time being in force, to be the District Court, or principal Civil Court of original jurisdiction, for such district.

In original suits cognizable under the Code of Civil Procedure [a] the jurisdiction of the Commissioner shall, as regards the amount or value of the subject-matter, be without limit. XIV of 1882.

Court of Subordinate Judge of first class.

7. The jurisdiction of a Subordinate Judge of the first class shall extend to all such suits in which the amount or value of the subject-matter does not exceed ten thousand rupees, or, where such Subordinate Judge is invested by the Commissioner with additional powers in this behalf, to all such suits without limit of such amount or value.

Court of Subordinate Judge of second class.

8. The jurisdiction of a Subordinate Judge of the second class shall extend to all such suits in which the amount or value of the subject matter does not exceed five hundred rupees.

Court of Munsif.

9. The jurisdiction of a Munsif shall extend to all such suits when the amount or value of the subject-matter does not exceed one hundred rupees.

Subordinate Judge of first class may be invested with powers of District Court.

10. In addition to the jurisdiction specified in section 7, a Subordinate Judge of the first class may exercise such powers conferred by any enactment for the time being in force on a principal Civil Court of original jurisdiction as may be delegated to him by the Commissioner.

Any Subordinate Judge may be invested with powers of Small Cause Court.

11. The Chief Commissioner may, with the previous sanction of the Governor General in Council, invest any Subordinate Judge with the powers of a Judge of a Court of Small Causes, and may, with like sanction, from time to time determine the local limits within which such powers shall be exercised.

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[a] This reference should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

A Subordinate Judge invested with the powers of a Judge of a Court of Small Causes under this section may, in addition to such powers, exercise any other civil jurisdiction conferred on him by or under this Regulation, or any other enactment for the time being in force.

Act IX of 1887 to apply.

12. The Court of a Subordinate Judge exercising the powers of a Judge of a Court of Small Causes shall be deemed to be a Court of Small Causes constituted under the Provincial Small Cause Courts Act, 1887,[a] and, except as hereinbefore provided, and as provided in [b]section 23[b] of this Regulation, shall be subject to all the provisions of that Act in so far as they may be found applicable.

IX of 1887.

Benches of Judges.

13. The Chief Commissioner may, with the previous sanction of the Governor General in Council, direct that any of the powers hereinbefore conferred on any Court of the two lowest grades shall be exercised by any three persons sitting together as a Bench.

Their powers may be confined to specified classes of cases.

The Chief Commissioner may direct that any powers conferred under this section shall be exercised only in reference to some specified class of cases.

Where three such persons sit together as a Bench, the decision of the majority of such persons shall be deemed the decision of the Bench.

A Bench vested with the powers of a Court of any grade under this section shall be deemed to be a Court of such grade for all the purposes of this Regulation.

C.—Of Appeals and References.

Appeals from Courts of original jurisdiction.

14. When by any law for the time being in force an appeal is allowed from any decree or order passed or made by a Civil Court of original jurisdiction, and no provision applicable to the territories to which this Regulation extends is made by such law for determining the Court to which such appeal shall lie, such appeal shall lie as follows, that is to say—

(*a*) when such decree or order is passed or made by a Munsif or Subordinate Judge of the second class—to a Subordinate Judge of the first class specially empowered by the Chief Commissioner with the previous sanction of the Governor General in Council to hear such appeals;

(*b*) when such decree or order is passed or made by a Subordinate Judge of the first class—to the Commissioner;

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[a] The reference to Act XI of 1865 is altered in accordance with Act IX of 1887, s. 2, printed, General Acts, 1885-88, Ed. 1889, p. 128.

[b-b] This reference was substituted for the original reference by Reg. IX of 1893, printed *infra*, p. 274.

(*c*) when such decree or order is passed or made by the Commissioner—to the Chief Commissioner.

When Commissioner and Chief Commissioner may receive second appeal.

15. When the decision of a Subordinate Judge or of the Commissioner passed in appeal reverses or modifies the decision of the Court of original jurisdiction on a point material to the merits of the case, and is not declared by any law for the time being in force to be final, the Commissioner or Chief Commissioner, as the case may be, may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Courts, a further consideration of the case appears to him to be requisite for the ends of justice.

When decision of first appellate Court to be final.

16. When the Court of first appeal confirms the decision of the Court of original jurisdiction on a matter of fact, such decision shall be final.

Application to first appellate Court to refer case.

17. When the Court of first appeal confirms the decision of the Court of original jurisdiction on a question of law, or usage having the force of law, or the construction of any document, or the admissibility of any evidence affecting the merits of the case, no further appeal shall lie, but the party aggrieved by such decision may apply to such Court of first appeal to draw up a statement of such question and to submit it,

if such Court of first appeal be that of a Subordinate Judge—to the Commissioner;

if such Court be that of the Commissioner or Chief Commissioner—to the High Court of Judicature for the North-Western Provinces.

Every application under this section shall, for the purposes of the Court-fees Act, 1870[a], be deemed to be a memorandum of appeal to the Court of the Commissioner or to the High Court, as the case may be. VII of 1870.

Procedure on such application.

18. If the Court to which such application is made, after perusing such application and hearing the applicant if he claim to be heard, consider that there is a question of the nature specified in section 17, it shall draw up a statement of the same, and of such facts only of the case as are necessary to explain it, and shall submit such statement, together with the record of the case and its own opinion on such question, to the Commissioner or to the said High Court, as the case may be.

Procedure on reference being made.

19. The Commissioner or the said High Court, as the case may be, shall, with as little delay as possible, proceed to hear the case referred as if it were an

[a] For Act VII of 1870 see the revised edition, as modified up to 1st July, 1891, published by the Legislative Department.

appeal instituted in the Court of the said Commissioner or in the said High Court (except that it shall not be necessary for the parties to be present), and shall send a copy of the judgment passed thereon to the Court submitting the point, which shall dispose of the case in conformity therewith.

Costs of reference.

20. The costs, if any, consequent on the reference of the case to the Commissioner or High Court, shall be costs in the appeal out of which the reference arose.

Any appellate Court may make reference of its own motion.

21. When any appellate Court in the trial of a civil appeal entertains a doubt in respect of a question of the nature specified in section 17, such Court may refer such question in manner provided by section 18.

References under this section, when made by a Subordinate Judge, shall be made to the Commissioner, and, when made by the Commissioner or Chief Commissioner, to the High Court of Judicature for the North-Western Provinces.

All such references shall be dealt with in manner provided by sections 19 and 20.

Period of limitation.

22. The period of limitation for an appeal under section 14 or section 15 shall run from the date of the decree, order or decision appealed against, and shall be as follows, that is to say :—

(*a*) when such appeal lies to a Subordinate Judge, thirty days;

(*b*) when such appeal lies to the Commissioner or Chief Commissioner, sixty days.

The period of limitation for an application under section 17 shall be thirty days, reckoned from the date of the decree or order of the appellate Court.

In other respects the limitation of such appeals and applications shall be governed by the provisions of the Indian Limitation Act, 1877[a]. XV of 1877.

Which Court deemed highest Court of appeal.

23. The Court of the Chief Commissioner shall be deemed for the purposes of all enactments for the time being in force to be the highest Civil Court of appeal in the said territories:

References under Chapter XLVI of the Code of Civil Procedure or section 11 of the Provincial Small Cause Courts Act, 1887.

XIV of 1882. IX of 1887.

[b]Provided that references under Chapter XLVI of the Code of Civil Procedure,[c] or under section 11 of the Provincial Small Cause Courts Act, 1887,[d] shall be made, not to the Chief Commissioner, but to the High Court of Judicature for the North-Western Provinces.

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[a] The reference to Act IX of 1871 is altered in accordance with Act XV of 1877, s. 2. (For Act XV of 1877 see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department.)

[b] This proviso was substituted for the original proviso by Reg. IX of 1893, printed *infra*, p. 274.

[c] For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.

[d] Printed, General Acts, 1885-88, Ed. 1889, p. 130.

D.—Miscellaneous.

Control over subordinate Courts.

24. The general control over all the Courts of the three lowest grades shall be vested in the Commissioner, subject to the superintendence of the Chief Commissioner.

The general control over the Court of the Commissioner shall be vested in the Chief Commissioner.

Power to distribute judicial business.

25. Subject to the control of the Chief Commissioner, the Commissioner may direct the civil judicial business to be distributed among the Courts of the three lowest grades in such way as he thinks fit: Provided that no Court shall exercise any powers beyond those conferred on it by or under this Regulation or some other enactment for the time being in force.

The Commissioner may delegate the power conferred on him by this section, wholly or in part, and subject to any limitations he deems fit, to any Subordinate Judge of the first class.

Power to withdraw suit, and try it, or refer it, to other Court.

26. The Chief Commissioner or Commissioner shall have power to withdraw any suit or appeal pending in any Court subject to his control or superintendence, and try such suit or appeal himself, or refer it for trial to any other such Court competent to try the same.

Delegation of similar power to Subordinate Judge.

The Commissioner may empower any Subordinate Judge of the first class to exercise a like power in respect of suits pending in the Court of any other Subordinate Judge or of any Munsif.

[a] In either of the following cases:—

(*a*) if there is an appeal before the Chief Commissioner from a decree or order which was passed by him in any other capacity or in which he is personally interested,

(*b*) if there is an application before him for the revision of such a decree or order,

he shall, unless the parties consent to his proceeding with the case himself, transmit the record to the High Court of Judicature for the North-Western Provinces, and that Court shall dispose of the appeal or application as though it had been preferred or made to itself.[a]

Pleaders and mukhtars.

27. Notwithstanding anything contained in the Legal Practitioners Act, 1879 [b], no person shall be admitted or enrolled as a pleader or mukhtar under that Act after the passing of this Regulation. XVIII of 1879.

[a-a] This paragraph was added by Reg. IX of 1890, s. 1, printed, *infra*, p. 272.

[b] The reference to Act XX of 1865 is altered in accordance with Act XVIII of 1879, s. 2, printed, General Acts, 1877-81, Ed. 1884, p. 343.

Recognised agents.

28. In addition to the persons mentioned in section 37 of the Code of Civil Procedure,[a] the following shall be deemed to be "recognised agents" for the purposes of the said Code:— XIV of 1882.

(*a*) a party's relation, partner, servant or friend specially empowered to act and permitted by the Court to act as such agent;

(*b*) a person specially empowered to act as such agent by any of the Istimrardars and Jagirdars whose names are included in the schedule attached to the Ajmere Taluqdars' Relief Regulation of 1872 [b]; IV of 1872.

(*c*) a vakil or other person authorised by any Prince or Chief to act for or represent him;

(*d*) an advocate, vakil or attorney enrolled on the roll of any High Court established by Letters Patent, when the Court before which the case is pending is of opinion, for reasons to be recorded by it, that it is essential for the proper conduct of such case to permit such advocate, vakil or attorney to act therein.

Mode of recording evidence.

29. The Chief Commissioner may, with the previous sanction of the Governor General in Council, direct that in any class of suits between landlord and tenant in agricultural villages the evidence may be taken in the form prescribed by section 189 of the Code of Civil Procedure,[c] for cases in which an appeal does not lie to a higher tribunal. XIV of 1882.

Exemption of certain property from sale in execution of decree.

30. The following property is exempted from attachment and sale in execution of decrees of the Civil Courts:—

land and wells not being situated within the inhabited limits of a town or village,

dwelling-houses belonging to agriculturists and occupied by their owners,

implements and materials used in husbandry and animals kept for agricultural purposes,

implements of trade or of domestic industry, and the necessary wearing-apparel of the debtor and his family.

Where the debtor is an agriculturist, it shall be in the discretion of the Court executing the decree, subject to any restrictions which the Chief Commissioner may from time to time, with the previous sanction of the Governor

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[a] The reference to Act VIII of 1859, s. 17, is altered in accordance with Act XIV of 1882, s. 3. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b] Printed *supra*, p. 126.

[c] The reference to Act VIII of 1859, s. 172, is altered in accordance with Act XIV of 1882, s. 3.

General in Council, impose, to exempt from attachment or sale, besides the property hereinbefore mentioned, any agricultural produce which such Court may be satisfied, on such enquiry as it deems fit to make, is intended by such debtor to be used and is required for the subsistence of such debtor and the members of his family dependent on him, or as seed for the land cultivated by him, or as fodder for the animals kept by him for agricultural purposes.

31. [*Imprisonment in execution of decree.*] *Repealed by Act VI of 1888, s. 9.*

Code of Civil Procedure to apply.

32. Except as otherwise provided in this Regulation or in any other enactment for the time being in force, the provisions of the Code of Civil Procedure,[a] so far as the same may be applicable, shall apply to all suits, appeals and other proceedings in the Civil Courts. XIV of 1882.

33. [*Amendment of Act XI of 1865, s. 21*] *Repealed by Act IX of 1887.*

E.—Special Provisions for the Hearing of Suits involving Questions regarding Succession to the Estates of Taluqdars, Thakurs and Jagirdars.

Suits not to be heard in Court of lower grade than that of first class Subordinate Judge.

34. Notwithstanding anything contained in the foregoing sections of this Regulation, no suit in which any question regarding a right to inherit as heir by birth or adoption, or to succeed by any other title to the estates of any of the Taluqdars, Thakurs or Jagirdars entered in the schedule annexed to the Ajmere Taluqdars' Relief Regulation, 1872,[b] is in issue, shall be heard by any Court of a lower grade than that of a Subordinate Judge of the first class. IV of 1872.

Chief Commissioner not bound to refer points to High Court.

35. Notwithstanding anything contained in sections 17 and 18 of this Regulation, the Chief Commissioner shall not on appeal in such suits be bound to make any such reference to the High Court for the North-Western Provinces, as is by the said sections prescribed.

Commissioner to refer points to Chief Commissioner instead of to High Court.

36. References made by the Commissioner of Ajmere, on appeal in such suits under sections 18 and 21, shall be made, not to the said High Court as provided by those sections but to the Court of the Chief Commissioner:

Provided that, if, on any reference being made to him under this section, the Chief Commissioner is of opinion that such reference is one which should be disposed of by the said High Court, he may return it to the Commissioner with a view to its being submitted to that Court as provided by the said sections 18 and 21.

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[a] This reference should now be read as applying to Act XIV of 1882—see s. 3 of that Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b] Printed *supra*, p. 126.

(*Chap. II.—Of the Administration of Civil Justice. Sec. 37. Chap. III.—Of the Administration of Criminal Justice. Secs. 38-41.*)

37. The Chief Commissioner shall, on such a reference being made to him, unless he returns it for submission to the said High Court, proceed to deal with it in the same manner in all respects as the said High Court is required to do by sections 19 and 21, and his ruling or judgment thereon shall have the same effect as a ruling or judgment of the said High Court, and the Commissioner shall dispose of the case in conformity therewith. Procedure on reference to Chief Commissioner.

The costs (if any) consequent on such reference shall be costs in the appeal out of which it arose.

CHAPTER III.

Of the Administration of Criminal Justice.

38. Except in reference to proceedings against European British subjects, or persons jointly charged with European British subjects, the Chief Commissioner shall discharge the functions of a High Court under the Code of Criminal Procedure, 1882.[a] Chief Commissioner to discharge functions of High Court.

X of 1882.

39. The Chief Commissioner may at any time appoint one person to be Magistrate of the district in two or more of the districts into which the territory to which this Regulation extends may be from time to time divided for the purposes of the said Code of Criminal Procedure, 1882.[a] Power to appoint one Magistrate of district for several districts.

And any person so appointed may exercise any of his powers as Magistrate of the district for one of such districts within the limits of any other of such districts.

40. [*Powers under Act X of 1872* (*Code of Criminal Procedure*), *s. 36.*] *Repealed by Reg. IX of 1893.*

41. The Commissioner may transfer any criminal case or appeal, or any class of criminal cases or appeals, from a Criminal Court in any district to a Criminal Court competent to dispose of such case or appeal, or class of cases or appeals, in any other district. Power to transfer cases from one district to another.

THE SCHEDULE.

[*Enactments Repealed.*]

Repealed by Reg. IX of 1893.

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[a] The reference to Act X of 1872 is altered in accordance with Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

THE AJMERE LAND AND REVENUE REGULATION, 1877.

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REGULATION No. II OF 1877.

A Regulation to declare and amend the law relating to certain interests in land and to the assessment and collection of land-revenue in Ajmere and Merwara.

(*Published in the Gazette of India, 1877, Part I, p. 623, and in the Rajputana Official Gazette, 1878, p. 32.*)

Preamble. WHEREAS it is expedient to declare and amend the law relating to certain

interests in land and to the assessment and collection of land-revenue in Ajmere and Merwara; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. This Regulation may be called the Ajmere Land and Revenue Regulation, 1877. **Short title.**

It extends to all the territories now under the administration of the Chief Commissioner of Ajmere and subject to the provisions of the 33 Vict., cap. 3, section 1; [a] **Local extent.**

And it shall come into operation on such date[b] as the said Chief Commissioner, with the previous sanction of the Governor General in Council, may, by notification in the Gazette of India, direct. **Commencement.**

2. In this Regulation, unless there is something repugnant in the subject or context— **Interpretation-clause.**

(*a*) "agricultural year" means the year beginning on the first of June:

(*b*) "Collector" means any officer appointed by the Chief Commissioner to discharge the functions of a Collector under this Regulation in any part of the said territories: [c]

(*c*) "Revenue-officer" includes—

(1) the Commissioner of Ajmere when acting under this Regulation or under any rule made under this Regulation;

(2) a Collector; and

(3) any person whom the Chief Commissioner, subject to the control of the Governor General in Council, may from time to time appoint by name or by office to do anything required by this Regulation to be done by a Revenue-officer, or anything to be done by a Government officer under this Regulation or under any rule made under this Regulation, and for the doing of which no agency is specially provided by this Regulation:

(*d*) "malguzar" means a person liable under section 64 for the payment of the revenue assessed upon an estate:

(*e*) "section" means a section of this Regulation.

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[a] Printed in the Collection of Statutes relating to India, Ed. 1881, Vol. II, p. 878.
[b] The 1st January, 1878—see Rajputana Official Gazette, 1877, p. 290.
[c] Words repealed by Reg. I of 1888, s. 2 (printed *infra*, p. 266), are omitted.

PART II.

Of certain Interests in Land.

(*A*).—*Of certain Rights of the Government.*

Rights of Government in regard to mines and quarries.

3. Except in the case of lands in respect of which istimrari sanads have been granted by the Chief Commissioner with the previous sanction of the Governor General in Council, the Government shall be presumed, until the contrary is proved—

(*a*) to be the sole owner of all mines, opened and unopened, of metal, coal and other valuable minerals, with full liberty to search for and work the same;

(*b*) to be entitled to take free, or authorize persons who have entered into any contract with it to take free, from any quarry, whether previously worked or not, as much stone, kankar, gravel, sand or other like substance as is needed for any public purpose:

Provided that, whenever in the exercise by the Government of the rights herein referred to over any land, damage is caused to any person whose rights are infringed by the occupation or disturbance of the surface of such land, the Government shall pay to such person such amount of compensation for the damage so caused as may be determined by the Revenue-officer:

Provided also, that nothing herein contained shall affect the concession made in respect of mines and quarries in State-forests by section 6 of the Ajmere Forest Regulation, 1874.[a] VI of 1874.

Rights in regard to tanks.

4. The soil of all tanks constructed by the Government, including the embankments of the same, shall be deemed to be the property of Government.

Rights in regard to waters.

5. The Government shall be presumed, until the contrary is proved, to be entitled to the exclusive use and control of the water of all rivers and streams flowing in natural channels, and of all natural collections of water, and of all tanks constructed by the Government.[b]

Use of Government pasturage, etc.

6. No person shall make use of the pasturage or other natural product of any land being the property of the Government, except with the permission of the Revenue-officer and subject to such rules as may from time to time be prescribed by the Chief Commissioner.

(*B*).—*Of Co-ownership and Partition.*

Rights of

7. Any one of the proprietary body of any village who, with the consent

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[a] Printed *supra*, p. 140.
[b] See, further, Regulation VIII of 1887, *infra*, p. 262.

of a majority of such body, permanently improves any common land in such village by sinking a well, constructing an embankment, planting, draining or otherwise, shall become the owner of such land.

villagers over common lands of village.

Unimproved common land shall be deemed to be held on a tenure-at-will from the proprietary body, unless there is a written agreement to the contrary between such body and the holder.

8. Any person recorded as a sharer in the common lands of a village may apply for partition of such lands. Every application under this section shall be presented and dealt with in the manner provided by sections 10 to 19, inclusive.

Partition of common lands of village.

9. Any person recorded as a sharer in land, not being common land of a village, may apply for a partition of such land in the manner hereinafter prescribed: Provided that the area of land in each share, after such partition, shall not be less than ten bighas of well-land, fifteen bighas of talabi or abi land, or thirty bighas of unirrigated land, or a proportion of such classes of land equivalent to ten bighas of well-land.

Partition of other lands.

10. Every application under section 9 shall be in writing, shall be presented to the Revenue-officer, and shall specify the area of the land, the applicant's share and the names of the other sharers.

Application for partition.

11. The Revenue-officer shall cause notice of such application to be served on the sharers named therein and published in the village in which the land is situated.

Notice to be issued.

12. If, within one month from the date of the publication of any notice under section 11, any objection is made to the partition to which it relates, on the ground that the applicant is not entitled to the share of the land of which he is recorded as owner, the Revenue-officer shall stay his proceedings for such time as, in his opinion, is sufficient to admit of a suit being instituted in the Civil Court to try such objection.

Objection that applicant is not entitled to share claimed.

Every Revenue-officer staying his proceedings under this section shall make an order requiring the objector or, if for any reason he deems it more equitable, the applicant, to institute such a suit within the time fixed, and in the event of such a suit not being instituted within the said time may in his discretion disallow the objection or dismiss the application as the case may be.

13. On a suit being instituted to try any objection under section 12, the Revenue-officer shall, with reference to such objection, be guided by the orders passed by the Court in such suit.

Revenue-officer to be guided by orders of Civil Court on objection.

Other objections how dealt with.

14. If within the period of one month as aforesaid any objection other than an objection of the nature referred to in section 12 is made to the partition, the Revenue-officer shall dispose of it himself; unless for any reason he thinks fit to require that it be submitted to a Civil Court for adjudication, in which event the provisions of sections 12 and 13 shall apply to such objection.

Proceedings of Revenue-officer after objections have been disposed of.

15. When the period of one month from the date of the publication of the notice issued under section 11 has expired, and the objections (if any) made have been disposed of by the Revenue-officer, or by the Civil Court, as the case may be, the Revenue-officer shall, if no such objection has been allowed, proceed to make the partition.

Provided that the Revenue-officer may in his discretion, in order to admit of the institution of an appeal from any decision regarding an objection, or for any other reason he deems sufficient, from time to time further postpone his proceedings.

Mode of making partition.

16. Every Revenue-officer proceeding to make a partition shall pass an order determining the mode in which such partition is to be made.

A partition may, in the discretion of the Revenue-officer, be made in any one of the following modes, that is to say—

(*a*) by the sharers themselves if they agree so to make it;

(*b*) by arbitrators chosen by the sharers if they consent to choose arbitrators;

(*c*) by the Revenue-officer and his subordinates;

(*d*) by arbitrators appointed by the Revenue-officer.

Order of partition when to be carried out.

17. The execution of any order passed under section 16 shall be deferred for fifteen days to admit of an appeal being preferred against such order.

At the expiration of the period of fifteen days, if no such appeal has been preferred, or, if such an appeal has been preferred, on its determination, the partition may be carried out.

Nothing herein contained shall affect any right to appeal hereinafter conferred.

Notification on completion of work.

18. On the completion of the partition, the Revenue-officer shall publish a notification of the fact at his office and in the village in which the land partitioned is situate.

Date of taking effect.

The partition shall take effect from such date as may be fixed by such notification.

Costs of partition.

19. The cost of making the surveys requisite for and preparing the records of a partition of any land shall be determined by the Revenue-officer, and recovered from the sharers in such land in such proportions as he may direct.

(*C*).—*Of Istimrari Estates.*

20. "Istimrari estate" means an estate in respect of which an istimrari sanad has been granted, before the passing of this Regulation, by the Chief Commissioner with the previous sanction of the Governor General in Council. "Istimrari estate" defined.

"Istimrardar" means the person to whom such sanad has been granted, or any other person who becomes entitled to the istimrari estate in succession to him as hereinafter provided. "Istimrardar" defined.

21. All tenants of any land, whether culturable or not, comprised in an istimrari estate, shall be presumed, until the contrary is proved, to be tenants-at-will. Tenants on istimrari estates.

22. No Istimrardar shall— Alienation of istimrari estates.

(*a*) permanently alienate his istimrari estate or any portion thereof by sale, gift or otherwise, except under the law for the time being in force relative to the acquisition of land for public purposes; or

(*b*) alienate or charge such estate or any portion thereof by lease, mortgage or otherwise, for any term extending beyond his own life, except by way of giving security for an advance under the Land Improvement Loans Act, 1883,[a] or other law for the time being in force relative to advances of money by Government for the improvement of land. XIX of 1883.

Any alienation made or charge created in contravention of the prohibition herein contained shall be void.

23. When an Istimrardar dies leaving sons or male issue descended from him through males only whether by birth or adoption, or when after the death of an Istimrardar his widow has power to adopt and adopts a son to him, the istimrari estate shall devolve as nearly as may be according to the custom of the family of the deceased: Succession to estate where there is male issue.

Provided—

1st, that the descent shall in all cases be to a single heir according to the rule of primogeniture; Rule of primogeniture.

2nd, that no adoption shall be deemed valid unless it is made by a written document deposited with the Collector or the Registrar of the district; What adoptions valid.

3rd, that no adoption made by a widow shall be deemed valid until confirmed by the Governor General in Council. Adoption by widow.

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[a] The reference to Act XXVI of 1871 is altered in accordance with Act XIX of 1883, s. 2, printed, General Acts, 1882-84, Pt. II, Ed. 1885, p. 347.

Succession to estate when there is no male issue.

24. Any question as to the right to succeed to an istimrari estate arising in a case not provided for by section 23 shall be decided by the Governor General in Council, or by such officer as he may appoint in this behalf:

Provided that the Governor General in Council, if he thinks fit, instead of deciding such question himself or appointing any officer to decide the same, may grant to any person claiming to succeed as aforesaid a certificate declaring that the matter is one proper to be determined by a Civil Court.

The person to whom such certificate is granted may institute a suit to establish his right in any Court otherwise competent under the law for the time being in force to try the same, and such Court may, upon the production of such certificate before it, entertain such suit.

Claims for maintenance against Istimrardar.

25. All claims for maintenance or to hold land in lieu of maintenance against an Istimrardar by any member of his family shall be preferred through the Commissioner to the Chief Commissioner, whose decision thereon shall be conclusive.

Expropriation in istimrari estates.

26. When land situate in an istimrari estate is to be acquired under the Land Acquisition Act, 1870,[a] for the purpose of constructing a railway, or for any other object which in the opinion of the Chief Commissioner may reasonably be expected to improve the value of such estate,— X of 1870.

Collector's valuation final.

1st, the determination of the Collector under section 11 of that Act, as to the amount of compensation to be allowed for such land, shall be final and conclusive:

Such valuation how made—

2nd, in arriving at such determination the Collector, instead of taking into consideration the market-value of such land as required by sections 13 and 24 of that Act, shall fix the value of such land in manner following, that is to say—

when land is cultivated;

(*a*) when such land is cultivated, he shall ascertain the amount of revenue which would be assessed on such land if it were being fully assessed to land-revenue under the law for the time being in force, and shall allow twenty times the amount so ascertained,

when it is uncultivated;

and, when such land is uncultivated, he shall, notwithstanding the existence of any custom by which such land would be given free of charge, ascertain the amount of revenue which would be assessed on such land if it were cultivated, and were being fully assessed as aforesaid, and shall allow three times the amount so ascertained;

when there are trees,

(*b*) he shall allow, besides the amount allowed under clause (*a*), such

[a] Printed, General Acts, 1867-76, Ed. 1887, p 177.

further amount in respect of any trees and of any wells, tanks, embankments, houses and other works and buildings on such land as under all the circumstances of the case he may deem fair and reasonable: buildings or works.

3rd, he may determine the amount of such compensation notwithstanding that no person interested in such land has appeared before him in pursuance of the notice issued by him under section 9 of the said Act: Valuation may be made in absence of parties.

4th, when he has determined the amount of such compensation, he may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances: Vesting of land in Government.

5th, on determining the amount of compensation, he may pay that amount to the persons whom he deems entitled thereto; but nothing herein contained shall affect the liability of any person who may receive the whole or any part of such compensation to pay the same to the person lawfully entitled thereto: Payment of compensation.

6th, sections 14 to 16 (both inclusive), sections 18 to 23 (both inclusive) and sections 26 to 42 (both inclusive) of the said Land Acquisition Act, 1870, [a] shall not apply to the cases herein referred to: Certain sections of Act X of 1870 inapplicable.

X of 1870.

7th, except as hereinbefore provided, the provisions of that Act, so far as they may be applicable consistently with the provisions hereinbefore contained, shall apply to such cases. Remainder of Act to apply.

27. No criminal proceeding against any Istimrardar shall be instituted except in the Court of the Magistrate of the district, or in that of the Sessions Judge; Privileges of Istimrardars in criminal proceedings;

and no such proceeding shall be instituted in either of the said Courts without the previous sanction of the Chief Commissioner:

Provided that a Magistrate of the district or the Sessions Judge may allow any such proceeding to be instituted in his Court without such sanction when he thinks, for reasons to be recorded by him in writing, that the immediate institution of such proceeding is necessary to prevent a failure of justice.

The Chief Commissioner may quash any proceeding the institution of which has been so allowed without his sanction.

28. No Istimrardar shall be arrested in execution of any process of any Civil or Revenue Court, except with the previous sanction of the Chief Commissioner. in civil and revenue proceedings.

29. Notwithstanding anything contained in section 234 or section 252 of Decrees for money

[a] Printed, General Acts, 1867-76, Ed. 1887, p. 177.

the Code of Civil Procedure[a] or in any other enactment in force at the time this Regulation is passed,— XIV of 1882.

not to be executed after death of Istimradar, or passed against representative.

no decree for money against an Istimrardar shall be executed after his death, and no decree for money shall be passed against any person as the representative of a deceased Istimrardar: Provided that nothing herein contained shall prevent the enforcement of a lien or other charge against any property not being part of an istimrari estate.

Estates for which istimrari sanads granted after passing of Regulation.

30. The Chief Commissioner may, with the previous sanction of the Governor General in Council, direct that all or any of the provisions of sections 22 to 29 (both inclusive) shall apply in the case of any estate in respect of which an istimrari sanad may be granted by such Chief Commissioner with the sanction of the Governor General in Council after the passing of this Regulation.

(*D*).—*Of Bhum.*

"Bhum."

31. "Bhum" means land in respect of which a Bhum sanad may have been granted, whether before or after the passing of this Regulation, by the Commissioner with the sanction of the Governor General in Council.

Proprietary right in Bhum.

32. No person shall be deemed to have any proprietary right in such land except the persons named in such sanad and their successors in interest thereunder.

Succession to Bhum where there is male issue.

33. When a Bhumia dies leaving sons, or male issue descended from him through males only, whether by birth or adoption, or when after the death of a Bhumia his widow has power to adopt and adopts a son to him, the Bhum shall devolve according to the custom of the family.

Succession to Bhum when there is no male issue.

34. Any question as to the right to succeed to Bhum arising in a case not provided for by section 33 shall be decided by the Governor General in Council, or by such officer as he may appoint in this behalf:

Provided that the Governor General in Council, if he thinks fit, instead of deciding such question himself or appointing any officer to decide the same, may grant to any person claiming to succeed as aforesaid a certificate declaring that the matter is one proper to be determined by a Civil Court.

The person to whom such certificate is granted may institute a suit to establish his right in any Court otherwise competent under the law for the time being in force to try the same, and such Court may, upon the production of such certificate before it, entertain such suit.

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[a] The reference to Act VIII of 1859, ss. 203, 210 and 211, is altered in accordance with Act XIV of 1882, s. 3. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

35. All claims for maintenance or to hold land in lieu of maintenance against a Bhumia by any member of his family shall be preferred through the Commissioner to the Chief Commissioner, whose decision shall be conclusive.

Claims for maintenance against Bhumia.

36. Except under the law for the time being in force relative to the acquisition of land for public purposes, no person holding under a Bhum sanad shall alienate or charge the Bhum or his share thereof by sale, gift, lease, mortgage or otherwise to or in favour of any person not being a co-sharer holding under the same sanad.

Restrictions on alienation and charging.

Any alienation made or charge created in contravention of the prohibition herein contained shall be void.

(*E*).—*Of Holdings wholly or partially exempt from Assessment and of Revenue-assignments generally.*

37. No person shall be deemed entitled to any exemption, total or partial, from the land-revenue-assessment or to any assignment of land-revenue, except under a sanad granting or recognizing such exemption or assignment issued by or under the authority of the Chief Commissioner as hereinafter provided.

No exemption or assignment except under sanad.

38. It shall be in the discretion of the Chief Commissioner, subject to such limitations as may be prescribed by the Governor General in Council, to grant or recognize, either absolutely or subject to conditions, any such exemptions or assignments.

Power to grant or recognize exemptions and assignments.

39. If any question arises as to whether any event on which any such exemption or assignment is determinable has occurred, or as to whether any condition subject to which such exemption or assignment may have been granted or recognized has been fulfilled, the decision of the Chief Commissioner thereon shall, subject only to an appeal to the Governor General in Council, be conclusive.

Question whether right to exemption or assignment has determined.

40. If in granting or recognizing any exemption from the land-revenue-assessment in favour of the owner of any land, the Chief Commissioner, with the previous sanction of the Governor General in Council, makes it a condition of his grant or recognition that all or any of the rules regarding alienation, charging, succession or maintenance prescribed for istimrari estates by sections 22 to 25, inclusive, and for Bhum by sections 34 to 36, inclusive, or any other special rules regarding alienation, charging, succession or maintenance, shall apply to such land,

Conditions regarding alienation, charging, succession and maintenance.

and the then owner of such land accepts the grant or recognition on such condition,

such rules shall thenceforward apply to such land.

(*F*).—*Of Ex-proprietary Tenants and other Tenants with Rights of Occupancy.*

Ex-proprietary tenants.

41. Any person who may have, whether before or after the passing of this Regulation, lost or parted with his proprietary rights in any holding, either temporarily or permanently, and has since continued in occupation of any of the lands comprised in such holding which, as proprietor, he retained under his own cultivation, shall have a right of occupancy in such lands at a rent five annas four pies in the rupee less than the prevailing rate payable by tenants-at-will for lands of similar quality and with similar advantages in the neighbourhood.

Such persons are hereinafter called "ex-proprietary tenants."

Any agreement executed, whether before or after the passing of this Regulation, by an ex-proprietary tenant to pay a higher rate of rent than that prescribed by this section, shall be void.

Applications to fix rent.

42. When the rent of an ex-proprietary or other occupancy-tenant of any land has not been fixed at settlement, or when the rent was then fixed but the term for which it was then fixed has expired, such tenant or his landlord may apply to the Revenue-officer to fix the rent of such land.

Procedure thereon.

43. On receiving such application, the Revenue-officer shall ascertain the productive powers of such land, and proceed to determine the rent payable by such tenant—

(*a*) where such tenant is not an ex-proprietary tenant—at the prevailing rate paid by similar tenants for land of a similar quality with similar advantages, in the neighbourhood;

(*b*) where such tenant is an ex-proprietary tenant—at the rate payable by such tenant under the provisions of section 41.

Grounds of enhancement during term for which rent fixed.

44. When the rent of any occupancy-tenant has been fixed at settlement or under section 43, the landlord may, during the term for which it has been so fixed, apply to the Revenue-officer to enhance the rent of such tenant on any of the following grounds, and on no other:—

(*a*) that the quantity of land held by such tenant has been increased by alluvion or has been proved by measurement to be greater than the quantity for which rent has been previously paid by him;

(*b*) that the value of the produce of such land has risen, or the productive powers of such land have been increased, otherwise than by the agency or at the expense of the tenant.

Grounds of abatement during same

45. Any occupancy-tenant whose rent has been fixed as aforesaid may, during the term for which it has been so fixed, apply to the Revenue-officer

for an abatement of his rent on any of the following grounds, and on no other :—

(*a*) that the area of the land held by him has been diminished by diluvion, or has been proved by measurement to be less than the quantity for which rent has been previously paid by him;

(*b*) that the value of the produce of such land has fallen, or the productive powers of such land have been decreased, by any cause beyond his control.

46. Every order for enhancement or abatement of rent made under section 44 or section 45 shall take effect from the commencement of the agricultural year next following the date of such order.

Enhancement and abatement orders when to take effect.

47. No change of the method of paying rent from money to kind, or from kind to money, shall be ordered without the consent of both the landlord and the tenant:

Changes from money to kind rents, and *vice versâ.*

Provided that the Collector may, where a dispute arises between an ex-proprietary tenant and his landlord, commute rent payable by such tenant in kind to rent in money.

(*G*).—*Provisions for the Division of Crops and the estimating of Produce between Landlord and Tenant.*

48. When the rent of any land is payable by division of a crop grown on such land, the Revenue-officer may, on an application being made either by the landlord or by the tenant when such crop is ripe, proceed to such land on a day of which notice shall be given to both parties, and cause such crop to be cut or gathered and divided in accordance with the shares to which, upon such enquiry as he deems fit to make, it appears to him the parties are respectively entitled.

Power to divide crop.

49. If owing to an error of such Revenue-officer either party in such division receives less than the share to which he is entitled, such party may, within three months from the date on which such division is completed, institute a suit against the other party to recover the value of the additional portion of the crop due to him, at the price which prevailed on such date.

Remedy for error in division.

If no such suit is instituted within the said period of three months, the division shall for all purposes be deemed to have been rightly made.

50. When the rent of any land is to be determined by an estimate of a crop standing on such land, the Revenue-officer may, on an application being made either by the landlord or by the tenant, when such crop is ripe, proceed

Power to estimate standing crop.

to such land on a day of which notice shall be given to both parties, and determine the yield of such crop in manner following, that is to say :—

(*a*) each of the parties shall appoint an arbitrator and the Revenue-officer shall appoint a third arbitrator ;

(*b*) if either party fails to attend or appoint an arbitrator, the Revenue-officer may appoint an arbitrator for him ;

(*c*) the arbitrators thus appointed shall inspect the crop, and, if any two of them agree in their estimate thereof, the Revenue-officer shall declare the rent to be payable in accordance with such estimate ;

(*d*) if no two of the arbitrators agree in their estimate, the Revenue-officer shall, after inspecting the crop, make his own estimate thereof, and declare the rent to be payable in accordance therewith.

Remedy when estimate made in bad faith.

51. Either party may, within three months from the date on which a declaration is made under section 50, institute a suit against the other party to set aside such declaration on the ground that the estimate on which it is based was made in bad faith, and on no other ground.

If no such suit is instituted within the period thus limited, such declaration shall be for all purposes final and conclusive.

(*H*).—*Of ejecting Tenants.*

Certain tenants to be ejected only in execution of decree.

52. No tenant with a right of occupancy or holding under an unexpired lease shall be ejected otherwise than in execution of a decree for ejectment, or as provided in section 54 ; and no ex-proprietary tenant shall be ejected in either of these modes without the sanction of the Commissioner previously obtained.

Mode of ejecting other tenants.

53. If a landlord desire to eject a tenant not being a tenant of any of the classes referred to in section 52, he may cause a written notice of ejectment to be served on such tenant not less than one month before the commencement of any agricultural year.

If the tenant does not quit the land before the commencement of such year, the landlord may present an application to the Revenue-officer for assistance to eject.

The Revenue-officer, if satisfied,—

(1) that the tenant is not a tenant of any of the classes referred to in section 52, and

(2) that the notice of ejectment was served as hereinbefore required,

may order the ejectment of such tenant.

Ejectment in

54. Any tenant may be ejected under an order of the Court executing a

decree against him for an arrear of rent if such decree has remained unsatisfied for the period of one month from the date of any application for execution of the same.

execution of decree for arrears.

55. No tenant shall be ejected under section 52, 53 or 54 from any land on which he has effected any permanent improvement by sinking a well, constructing an embankment, planting, draining or otherwise, unless and until he has been paid by the landlord the value of such improvement at the date of ejectment; such value to be determined, in case the parties differ, by order of the Revenue-officer.

Compensation claimable by tenant ejected.

(*I*).—*Of Relinquishment by a Tenant.*

56. Except as may be otherwise provided by any contract, the rent paid by a tenant-at-will in any agricultural year in respect of any land shall continue payable by him during the succeeding agricultural year, unless such tenant, three months before the commencement of such succeeding year, gives notice to his landlord of his intention to relinquish such land, or unless his landlord before the end of such succeeding year ejects him from such land, or lets the same to some other person.

When tenant-at-will may relinquish.

PART III.

Of Land-revenue Settlements.

(*A*).—*Of the Assessment of the Land-revenue.*

57. When the estate in respect of which a settlement is to be made is owned by one person, the settlement shall be offered to that person.

Offer of settlement of estate owned by one person.

58. When such estate is owned by several persons, the settlement may be offered to such persons or to their lambardars or other representatives.

Estate owned by several persons.

59. The term for which a settlement is to be made shall be fixed by the Chief Commissioner with the previous sanction of, or under such rules as may from time to time be prescribed by, the Governor General in Council.

Term for which settlement is made.

60. When the Revenue-officer in charge of the settlement has satisfied himself as to the amount at which, under such rules as may from time to time be made in this behalf by the Chief Commissioner, an estate should be assessed, he shall declare the same to the persons to whom the settlement of such estate is to be offered.

Declaration of terms to person to be offered settlement.

61. If such persons agree to the assessment so proposed, their agreement shall be reduced to writing and signed by them and they and those (if any)

Effect of acceptance of offer.

whom they represent shall become liable from the date of such agreement, or from such subsequent date as the Chief Commissioner may direct, for the payment of the amount of such assessment.

Sanction requisite to bind Government.

But no assessment shall be considered final as against the Government until it has been sanctioned by the Governor General in Council.

Exclusion of proprietors refusing to accept offer.

62. If such persons refuse to accept the proposed assessment, the Revenue-officer in charge of the settlement may exclude such persons and those (if any) whom they represent from their estate, and may make a settlement of such estate with any other persons, or may take such estate under direct management.

The period of such exclusion shall in no case extend beyond the term of the settlement.

Allowance to persons excluded.

63. All persons excluded under section 62 shall, during the period of their exclusion, be entitled to a yearly allowance from the Government, the amount of which shall be fixed by the Chief Commissioner, but which shall not be less than five per cent. or more than ten per cent of the nett amount realized by Government from the estate from which such persons are excluded.

Joint and several liability.

64. All persons who are bound by the agreement prescribed by section 61 and their successors in interest shall, while they continue to be owners of land in the estate to which such agreement relates, be jointly and severally liable for the payment of the whole amount of revenue assessed upon such estate.

"Perfect partition" when allowed

No partition of the nature of that commonly called "perfect partition" shall be made except with the previous sanction of the Chief Commissioner.

(*B*).—*Of the Settlement-record.*

Settlement-record

65. Whenever any settlement of an estate is to be made, the Chief Commissioner may direct that, in addition to the written agreement prescribed by section 61, a settlement-record consisting of all or any of the following documents or of any other similar documents he thinks fit shall be prepared :—

(1) a pedigree-table showing all owners of land in such estate:

(2) a map showing the boundaries of the village or villages comprised in such estate and the boundaries of all fields in such village or villages:

(3) a statement of the owners of the fields shown in such map:

(4) a statement of the occupiers of such fields, and of the status of such occupiers:

(5) a statement of the amount of revenue payable as among themselves by each owner or occupier in respect of his holding.

(6) a statement of persons holding land revenue-free in such estate, and of the lands so held:

(7) a record of any customs prevailing in such estate:

(8) an abstract of the proceedings at such settlement.

66. Entries in the settlement-record shall be made on the basis of actual possession and existing usage, and shall be authenticated by the signature of the Revenue-officer. Entries in such record how made.

67. Any person who considers himself aggrieved by an entry in the settlement-record may appeal to the authorities to whom an appeal lies under this Regulation, or, when the entry is one in the first, third, fourth or seventh document mentioned in section 65, may, instead of so appealing, or, if he prefers an appeal and is dissatisfied with the order passed thereon by any such Authority, bring a suit in the Civil Court against any other persons interested in such entry to have such entry amended. Proceedings to contest entry.

68. Entries in the settlement-record made in the course of a settlement and authenticated under section 66 shall be presumed to be correct till the contrary is proved. Entries presumed true.

69. The settlement-record shall be made over to the Collector at such time as the Chief Commissioner may direct. Record to be delivered to Collector, and kept up by him.

The Collector shall, subject to any rules made under section 70, from time to time record, or cause to be recorded, all facts affecting any matters stated in the settlement-record, which occur subsequently to such record being made over to him.

70. The Chief Commissioner may from time to time by rule determine— Rules regarding maintenance of record.

(*a*) what facts shall be so recorded, and the manner in which the persons by whom, and the occasions on which, such facts shall be brought to notice and recorded;

(*b*) what fees shall be payable in respect of the recording of such facts by any persons concerned in or affected by the occurrence of such facts.

(*C*).—*Miscellaneous.*

71. If the term for which any assessment of an estate has been made expires before a new settlement of such estate is made, all persons who continue to occupy land comprised in such estate after the expiration of such term shall hold such land upon the conditions of such assessment until a new settlement is made. Continuance of assessment;

In all cases the existing record-of-rights shall continue in force until a new record-of-rights is made. of record-of-rights.

Application of sections 64, 67 to 71.

72. Section 64 and sections 67 to 71 (both inclusive) shall, so far as they may be applicable, apply to the settlement concluded in 1874.

PART IV.

Of the Collection of the Land-revenue.

(*A*).—*Time and Place for Payment of Revenue.*

Rules as to instalments and times and places of payment

73. The Chief Commissioner may from time to time make rules as to the instalments by which, and the places and times at which, the revenue payable in respect of any estate shall be paid, and as to the mode in which notice of such instalments, places and times shall be given to the persons concerned.

Until the Chief Commissioner otherwise directs, the practice in respect of such matters prevailing at the time this Regulation comes into operation shall continue.

"Arrear," "Defaulter."

74. Any sum not paid as required by section 73 or the rules framed thereunder shall be deemed to be an arrear of land-revenue, and every person liable for it shall be deemed to be a defaulter.

(*B*).—*Arrest and Imprisonment of Defaulter.*

Issue of warrant of arrest.

75. When an arrear of land-revenue has accrued, the Collector may issue a warrant ordering any defaulter to pay the whole or any part of such arrear within a time therein specified, and may empower an officer named in such warrant, in the event of the amount demanded not being so paid, to arrest such defaulter and bring him to the tahsil.

Order to bring defaulter to district head-quarters.

76. If, when the time named in such warrant has expired, the defaulter is brought to the tahsil, and does not either pay such amount or the portion thereof remaining unpaid (as the case may be), or show good reason for extending the time for payment thereof, the Collector may direct him to be conveyed to the Collector's head-quarters, and there kept under personal restraint for ten days or until he pays such amount or such portion thereof within that period.

Delegation to subordinate Revenue-officer of powers under sections 75 and 76.

77. The Collector, with the previous sanction of the Commissioner, may empower any Revenue-officer subordinate to him, and not being of lower grade than that of Tahsildar, to exercise the powers conferred on the Collector by sections 75 and 76.

Commitment to civil jail.

78. If the amount named in any warrant issued under section 75 or the portion thereof remaining unpaid (as the case may be) is not paid within the

period of ten days fixed by section 76, and no good reason for the delay in the payment thereof is shown, the Collector may, by his warrant, commit the defaulter to the civil jail, to be there detained for such period not exceeding six months, or, if such amount or such portion thereof is more than five hundred rupees, for such period not exceeding one year, from the date of such warrant, as such Collector thinks fit, unless such amount or such portion thereof is sooner paid.

Discharge of defaulter on enforcement of process under section 82, 87 or 93.

79. Whenever any of the processes provided in sections 82, 87 and 93 is taken in respect of an arrear, any defaulter whose holding has been attached, transferred or sequestered shall, if he is in custody under section 75, 76 or 78, be forthwith discharged.

(*C*).—*Attachment and Sale of moveable Property.*

Attachment and sale of moveable property.

80. Instead of, or in addition to, the proceedings authorized by sections 75 to 78 inclusive, the Collector may, in order to realize the whole or any portion of an arrear, order the attachment and sale of the moveable property of any defaulter with the exception of the following, that is to say:—

(*a*) implements and materials used in husbandry and animals kept for agricultural purposes;

(*b*) implements of trade or of domestic industry; and

(*c*) the necessary wearing-apparel of such defaulter and of his wife and children.

Procedure to be followed.

81. Every attachment and sale ordered under section 80 shall be conducted as nearly as may be according to the law in force for the time being for the attachment and sale of moveable property in execution of a decree of a Civil Court.

(*D*).—*Attachment of the Estate without Cancellation of the Settlement, Leases, etc.*

Power to attach land.

82. When an arrear of revenue has accrued in respect of any land, the Collector may, in addition to, or instead of, the processes hereinbefore specified, cause such land or any part thereof to be attached and taken under the direct management of any agent whom he appoints in that behalf.

Effect of attachment.

83. During the continuance of an attachment under section 82, the defaulters shall be excluded from possession of the land attached, and the agent appointed by the Collector shall stand for all purposes in their position, being bound by all their liabilities to any subordinate proprietors, incumbrancers or

tenants of, or on, such land, and being entitled to manage such land, and to receive all rents and profits accruing due to such defaulters therefrom.

Profits of land how applied.

84. The surplus-profits of such land, after defraying the cost of attachment and management, shall be applied, first, to the payment of any revenue falling due upon such land during the attachment, and next, to discharging the arrear.

Attachment when to cease.

85. The attachment shall continue until the arrear is paid or realized from the profits of the land, or the Collector thinks fit to reinstate the defaulters in possession.

(*E*).—*Transfer to a solvent Malguzar or Incumbrancer.*

Application for transfer.

86. When an arrear accrues in respect of any estate, owing to one of the malguzars thereof failing to contribute the portion of the revenue chargeable as between him and the other malguzars of such estate to his holding, any other malguzar of such estate, or any mortgagee or other incumbrancer of, or on, such holding may present a petition to the Collector, offering to take over such holding and pay the portion of the arrear chargeable thereto either in a lump-sum or by instalments.

When it may be granted.

87. If the Collector is satisfied that the arrear has accrued owing to such failure, and that such offer ought to be accepted, he may suspend the execution of any other process taken for the realization of the arrear, and transfer the holding to the applicant.

Case of several applications.

88. Where more than one application is made under section 86, the Collector shall, all other things in his opinion being equal, give a malguzar the preference to an incumbrancer, and among several malguzars shall give the preference to the applicant who, in case the defaulting malguzar's holding were sold, would have a right of pre-emption.

Conditions of transfer—

89. Any transfer under section 87 may be made subject to such conditions as the Collector thinks fit, and may be either—

for term;

(*a*) for a term not exceeding fifteen years, on the expiry of which the excluded malguzar shall be entitled to re-enter without making good the arrear, or

till arrear is repaid.

(*b*) until the amount of the arrear paid by the transferee is repaid to him by such malguzar.

Application to have transfer under section 89 (*b*)

90. When a transfer is made under section 89, clause (*b*), and the amount of the arrear is not repaid within twelve years from the date thereof, the transferee may apply to the Collector to publish a notification declaring that,

if such amount is not repaid to the transferee within one year from the date of such notification, such transfer will become absolute. made absolute.

The Collector may, if he thinks fit, publish such notification, and, if the amount of the arrear is not so repaid before the expiration of one year from the date of such notification, the transfer shall become absolute. Proceedings thereon.

91. No proceedings taken under sections 86 to 90, inclusive, shall affect the joint and several liability of the malguzars of the estate in which they are taken, for arrears accruing on such estate subsequently to the transfer of the holding of the defaulting malguzar, except that, as regards all such arrears, the transferee shall stand in the place of such malguzar. Joint and several liability not affected by transfer.

(*F*).—*Sequestration of the Estate with Cancellation of Settlement, Leases, etc.*

92. When any arrear of land-revenue due in respect of an estate remains unpaid for more than one month, the Collector may, with the previous sanction of the Chief Commissioner, cause to be published and served upon the persons concerned a notification announcing that, unless such arrear is paid within fifteen days from the date thereof, he will sequester such estate or such portion thereof as may be specified in such notification. Notification preliminary to sequestration.

93. If such arrear is not paid within fifteen days from the date of such notification, the Collector, with the previous sanction of the Commissioner, may make an order directing that such estate or portion be sequestered, and the defaulters excluded therefrom for a period not exceeding fifteen years from the date of such order, and not extending beyond the term of settlement. Order of sequestration.

94. On an order of sequestration being passed under section 93, the following consequences shall ensue:— Effect of such order.

(*a*) the execution of any other process taken for the realization of the arrear from the excluded defaulters shall be suspended;

(*b*) the settlement of the estate shall be cancelled;

(*c*) all liens, leases and other incumbrances created by such defaulters, or by any person through whom they claim, over the estate or portion thereof sequestered may, at the option of the Collector, be cancelled;

(*d*) the Collector may take possession of such estate or portion thereof, and either appoint an agent to manage it or let it in farm on such terms as the Chief Commissioner may by rule prescribe;

(*e*) all persons in occupation of any land comprised in such estate or portion thereof shall be bound to pay rent at such rates as the Collector may in his discretion from time to time think proper to fix.

Expiry of period of sequestration.

95. On the expiry of the period of sequestration, the estate or portion thereof sequestered shall revert to the excluded defaulters without payment by them of the arrear for which it was sequestered.

(*G*).—*Miscellaneous.*

Recovery of arrears by attachment of immoveable property other than estate.

96. When an arrear of revenue cannot be recovered by any of the processes hereinbefore described, the Collector may, with the previous sanction of the Chief Commissioner, order the attachment under sections 82 to 85, inclusive, of any immoveable property of the defaulters other than that in respect of which such arrear has accrued, and may apply the provisions of those sections to such property until such arrear is discharged.

Recovery of—

97. The provisions of this Part shall, as far as may be, apply to the recovery of the following, that is to say :—

land-revenue due;

(*a*) land-revenue due at the time when this Regulation comes into operation;

rent on Government land, etc.;

(*b*) rent payable to the Government in respect of land owned by the Government or held under direct management in exercise of the powers conferred by sections 62, 82 and 94 or otherwise;

other moneys.

(*c*) fees, costs or other money payable under this Regulation or under any rule made in exercise of a power conferred by this Regulation.

(*H*).—*Recovery of Revenue through Headmen.*

Other malguzars to pay to headmen.

98. In any estate in which headmen have been appointed, the remaining malguzars shall be bound, on demand made by the headmen fifteen days before an instalment of revenue falls due, to pay to such headmen the portions of such instalment which as between themselves are chargeable to their holdings respectively.

But no proceedings shall be instituted or maintained by a headman for the recovery of any sum so chargeable to a holding in an estate after the Collector has informed such headman that the Government demand on such estate has been remitted to an amount equal to such sum, and that such remission has been granted with special reference to such holding.

Distraint abolished.

99. The power of distraint now exercisable by village-headmen as such shall cease to exist.

Joinder of defendants in suits for arrears

100. A village-headman may sue one or more co-sharers in the same suit for sums demandable on account of the same instalment of revenue.

PART V.

Of Courts of Wards.

101 to 105. [*Repealed by Regulation I of 1888.*]

PART VI.

Miscellaneous.

Erection and repair of boundary marks.

106. A Revenue-officer may, by a notice in writing, require any person liable for the revenue of any land, or entitled to hold such land free of revenue, to erect boundary-marks sufficient for defining the limits of such land, or to repair any such boundary-marks already existing; and, if such person fails to comply with his requisition within a period to be specified in such notice, may cause the work to be done, and recover the cost thereof as if it were an arrear of revenue due in respect of such land.

Additional powers which may be conferred on Revenue-officers.

107. In addition to the powers directly conferred on Revenue-officers by this Regulation, the Chief Commissioner may, subject to any restrictions imposed by the Governor General in Council, invest any Revenue-officer by name or by office for any of the purposes of this Regulation with any of the following powers, to be exercised by him in any part of the territories to which this Regulation extends, and in any specified class of cases :—

X of 1870.

(*a*) any of the powers specified in the 4th section of the Land Acquisition Act, 1870 [a];

(*b*) any power exercised by a Civil Court in the trial of suits;

(*c*) power to refer any matter in dispute, which he is required by this Regulation to decide, to arbitration, whether with or without the consent of the parties; and to delegate to the arbitrators all powers necessary for the investigation and decision of such matter;

(*d*) power to hear appeals from the decisions of arbitrators in matters referred under clause (*c*);

(*e*) power to delegate the exercise of any power or the performance of any duty to a subordinate Revenue-officer;

(*f*) power to review any decision or order given by him which is not open to appeal, or from which, if open to appeal, no appeal has been preferred;

(*g*) power to call for the proceedings of any subordinate officer, and review any order or decision given therein, which is not open to appeal, or from which, if open to appeal, no appeal has been preferred.

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[a] Printed, General Acts, 1867-76, Ed 1887, p. 179.

Functions of Collector how discharged.

108. Except as may, from time to time, be otherwise directed in the exercise of a power conferred by any enactment for the time being in force, the functions of a Collector under any enactment for the time being in force shall, in any part of the said territories, be discharged by the officer who may be appointed Collector for such part under this Regulation.

Chief Commissioner's power of revision.

109. The Chief Commissioner may call for the record of any proceedings had by any Revenue-officer, and may pass such order thereon consistent with this Regulation as he thinks fit.

Additional power to make rules.

110. In addition to the other matters for which the Chief Commissioner is empowered by this Regulation to make rules, he may, from time to time, make rules consistent with this Regulation—

(*a*) for the assessment of the land-revenue;

(*b*) for the investigation of claims to exemption from such assessment or to assignments of land-revenue;

(*c*) for the appointment and removal of circle-headmen, village-headmen and patels;

(*d*) to determine the persons by whom, the time, place and manner at or in which, anything to be done under this Regulation, and for which no express provision is made in these respects, shall be done; and to regulate the procedure of Revenue-officers and arbitrators acting under this Regulation in all cases;

(*e*) for the investigation by the higher Revenue-officers of charges of misconduct preferred against Revenue-officers of lower grade;

(*f*) to determine the fees to be charged for the service of process issued under this Regulation, and to regulate the costs in all proceedings before Revenue-officers;

(*g*) to determine the form of any notice or notification required by this Regulation to be served or published, and the mode in which such notice shall be served or published; and

(*h*) generally to carry out the provisions of this Regulation.

Power to prescribe penalty for breaches of rules.

111. The Chief Commissioner may, in making any rule under this Regulation, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding rigorous or simple imprisonment for a term not exceeding one month, or fine not exceeding two hundred rupees, or both.

112. No rule made by the Chief Commissioner under this Regulation shall take effect until it has been published in the official[a] Gazette. Rules how to be published.

All such rules when so published shall, in so far as they are consistent with this Regulation, have the force of law. Force of rules.

113. The Chief Commissioner shall, at least once in every three years, cause all such rules still in force to be arranged in some convenient order according to their subject-matter, consolidated, and, where necessary, amended. Consolidation and republication of rules.

The rules so arranged, consolidated and amended shall be published in the official[a] Gazette, and, upon such publication, all rules previously made under this Regulation shall cease to be in force.

114. Except as hereinbefore otherwise provided, an appeal shall lie from every order and decision given under any of the provisions hereinbefore contained— First appeals.

(*a*) when such order or decision is given by any Revenue-officer other than the Commissioner or a Collector—to the Collector or to such other officer as the Chief Commissioner may direct to hear such appeals;

(*b*) when such order or decision is given by the Collector—to the Commissioner;

(*c*) when such order or decision is given by the Commissioner—to the Chief Commissioner.

115. If in any case the order or decision given in appeal under clause (*a*) or clause (*b*) of section 114 reverses or modifies the original order or decision on a point material to the merits of the case, and is not hereinbefore declared to be final, the Commissioner or Chief Commissioner, as the case may be, may receive a second appeal if on perusal of the grounds of appeal, and of copies of the orders or decisions already given, a further consideration of the case appears to him to be requisite for the ends of justice. Second appeals.

116. The period of limitation for an appeal under section 114 or section 115 shall begin to run from the date of the order or decision appealed against, and shall be as follows, that is to say :— Limitation of appeals.

(*a*) when such appeal lies to the Commissioner or Chief Commissioner, sixty days;

(*b*) in other cases, thirty days.

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[a] "Official" was substituted for "Rajputana", in ss. 112 and 113, by Reg. IX of 1893, printed *infra*, p. 274.

In other respects the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.[a] XV of 1877

Order in first appeal, when confirming original decision, final.

117. Every order or decision given in first appeal, confirming the original order or decision, shall, subject to the powers of review and revision conferred under section 107 and by section 109, be final.

No certificates for Revenue-agents to be granted.

118. Notwithstanding anything contained in the Legal Practitioners Act, 1879,[b] no certificate authorizing any person to practise as a Revenue-agent shall be granted under that Act after the passing of this Regulation. XVIII of 1879.

119. Except as hereinbefore expressly provided,—

Proceedings under Regulation not to be impeached.

(*a*) everything done, ordered or decided by the Governor General in Council, the Chief Commissioner or a Revenue-officer under this Regulation, shall be deemed to have been legally and rightly done, ordered or decided;

Limitation of jurisdiction of Civil Courts.

(*b*) no Civil Court shall entertain any suit or application instituted or presented with a view to obtaining any order or decision which the Governor General in Council, the Chief Commissioner or a Revenue-officer is under this Regulation empowered to make or pronounce.

THE AJMERE LAWS REGULATION, 1877.*

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[a] For Act XV of 1877, see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department.

[b] The reference to Act XX of 1865 is altered in accordance with Act XVIII of 1879, s. 2, printed, General Acts, 1877-81, Ed 1884, p. 343.

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REGULATION No. III OF 1877.

A Regulation to declare and amend the law in force in Ajmere and Merwara.

(*Published in the Gazette of India, 1877, Part I, p. 636, and in the Rajputana Official Gazette, 1878, p. 45.*)

Preamble.

WHEREAS it is expedient to declare and amend certain portions of the law in force in Ajmere and Merwara; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY AND GENERAL.

Short title.

1. This Regulation may be called the Ajmere Laws Regulation, 1877.

Local extent.

It extends to the territories now under the administration of the Chief Commissioner of Ajmere, and to which the provisions of the 33rd of Victoria, cap. 3, section 1,[a] have been applied;

Commencement.

And it shall come into operation on such date[b] as the said Chief Commissioner, with the previous sanction of the Governor General in Council, may, by a notification in the Gazette of India, direct.

Repeal of enactments.

2. On and from such date the following shall be repealed, that is to say:—

(*a*) all Bengal Regulations except the Regulations referred to in section 3 of this Regulation;

[a] Printed in the Collection of Statutes relating to India, Ed. 1881, Vol. II, p. 878.
[b] The 1st January, 1878—see Rajputana Official Gazette, 1877, p. 290.

(*b*) all Acts of the Governor General in Council which do not expressly, or by necessary implication, extend to the said territories or any part thereof, and may not prior to the said date, and in exercise of a power conferred by an Act of the Governor General in Council, have been extended thereto or declared to be in force therein;

(*c*) all rules, regulations and enactments, not being Statutes, Bengal Regulations, Acts of the Governor General in Council, Regulations enacted under the 33rd of Victoria, cap. 3, section 1,[a] or rules or regulations made in exercise of a power conferred by any Statute or by any such Regulation or Act;

(*d*) the enactments specified in the first schedule hereto annexed, to the extent mentioned in the third column thereof.

But nothing contained in this section shall affect anything done, or any offence committed, or any fines or penalty incurred, or any proceedings commenced, before the said date. Saving.

3. The Regulations specified in the second schedule hereto annexed shall be deemed to be in force throughout the said territories to the extent mentioned in the third column of the said schedule. Regulations to be deemed to be in force.

But the powers and functions incident to the operation of the said Regulations, so far as such powers and functions are referred to in the fourth column of the said schedule, shall be exercised and discharged by the authority mentioned in that column.

4. In questions regarding succession, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family-relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be the Muhammadan law in cases where the parties are Muhammadans, and the Hindu law in cases where the parties are Hindus, except in so far as such law has been by legislative enactment altered or abolished, or is opposed to the provisions of this Regulation: Rules of decision in cases of certain classes.

Provided that, when among any class or body of persons or among the members of any family any custom prevails which is inconsistent with the law applicable between such persons under this section, and which, if not inconsistent with such law, would have been given effect to as legally binding, such custom shall, notwithstanding anything herein contained, be given effect to.

5. In cases not provided for by section 4 of this Regulation, or by any Rule in cases

[a] Printed in the Collection of Statutes relating to India, Ed. 1881, Vol. II, p. 878.

not expressly provided for.

other law for the time being in force, the Courts shall act according to justice, equity and good conscience.

CHAPTER II.

PRE-EMPTION.

Right of pre-emption.

6. The right of pre-emption is a right of the persons hereinafter mentioned, or referred to, to acquire, in the cases hereinafter specified, immoveable property in preference to all other persons.

Presumption as to its existence.

7. Unless the existence of any custom or contract to the contrary is proved, such right shall, whether recorded in the settlement-record or not, be presumed—

(*a*) to exist in all village-communities, however constituted; and

(*b*) to extend to the village-site, to the houses built upon it, to all lands and shares of lands within the village-boundary, and to all transferable rights affecting such lands.

Its existence in towns to be proved.

8. The right of pre-emption shall not be presumed to exist in any town or any sub-division thereof, but may be shown to exist therein, or in any sub-division thereof, and to be exercisable therein by such persons and under such circumstances as the local custom prescribes.

Devolution of right when property to be sold or foreclosed is proprietary tenure.

9. If the property to be sold or foreclosed is a proprietary tenure, or a share of such a tenure, the right to buy or redeem such property belongs, in the absence of a custom to the contrary,—

1st, to co-sharers of such tenure, in order of their relationship to the vendor or mortgagor;

2ndly, to co-sharers of the whole mahal in the same order; and

3rdly, to any member of the village-community.

Where two or more persons are equally entitled to such right, the person to exercise the same shall be determined by lot.

Notice to pre-emptors.

10. When any person proposes to sell any property or when he forecloses a mortgage upon any property in respect of which any persons have a right of pre-emption, he shall give notice to the persons concerned of the price at which he is willing to sell such property, or of the amount due in respect of such mortgage, as the case may be.

Such notice shall be given through the Court or some one of the Courts (where there is more than one such Court) in which, under the law for the time being in force, a suit to recover possession of the property might be

instituted, and shall be deemed sufficiently given if it be stuck up on the *chaupal* or other public place of the village or town in which the property is situate.

11. Any person having a right of pre-emption in respect of any property proposed to be sold shall lose such right, unless within three months from the date of such notice he or his agent pays or tenders the price aforesaid to the person so proposing to sell. Loss of right of pre-emption.

12. When the right of pre-emption arises in respect of the foreclosure of a mortgage, any person entitled to such right may, at any time within three months after the giving of the notice required by section 10, pay or tender to the mortgagee or his successor in title the amount specified in such notice, and shall thereupon acquire a right to purchase the property. Right of pre-emptor on foreclosure.

On completion of the purchase, the person exercising the right of pre-emption shall be bound to pay to the mortgagee or his successor in title the amount specified in such notice, together with interest on the principal sum secured by the mortgage, at the rate specified by the instrument of mortgage, for any time which has elapsed since the date of the notice, and any additional costs which may have been properly incurred by the mortgagee or his successor in title.

13. Any person entitled to a right of pre-emption may bring a suit to enforce such right on any of the following grounds, namely :— Suit to enforce right of pre-emption.

(*a*) that no due notice was given as required by section 10 of this Regulation ;

(*b*) that tender was made under section 11 or section 12 of this Regulation, and refused ;

(*c*) in the case of a sale, that the price stated in the notice was not fixed in good faith ;

(*d*) in the case of a mortgage, that the amount claimed by the mortgagee was not really due on the footing of the mortgage and was not claimed in good faith, and that it exceeds the fair market-value of the property mortgaged.

If, in the case of a sale, the Court finds that the price was not fixed in good faith, the Court shall fix such price as appears to it to be the fair market-value of the property sold.

If, in the case of a mortgage, the Court finds that the amount claimed by the mortgagee was not really due on the footing of the mortgage, and that it was not claimed in good faith, and that it exceeds the fair market-

value of the property mortgaged, the amount to be paid to the mortgagee shall not exceed what the Court finds to be such market-value.

Decree to fix time for payment.

14. If the Court find for the plaintiff, the decree shall specify a day on or before which the purchase-money or the amount to be paid to the mortgagee shall be paid.

Effect of non-payment of purchase-money.

15. If such purchase-money or amount is not paid into the Court before it rises on that day, the decree shall become void, and the plaintiff shall, so far only as relates to such sale or mortgage, lose his right of pre-emption over the property to which the decree relates.

CHAPTER III.

Criminal Law and Police.

Villagers to aid in tracking.

16. When an offence has been, or may reasonably be supposed to have been, committed, whether within or beyond British territory, and whether by British subjects or others, and the tracks of the persons who may reasonably be supposed to have committed such offence, or of any animal or property reasonably supposed to be connected with such offence, are followed to a spot within the immediate vicinity of any village, the residents of such village shall render every assistance in carrying on such tracks.

Duty of complainant and his trackers;

17. The trackers of the village or locality where the offence was committed and the sufferers from the same shall continue with the trail, until the tracks have been acknowledged by some village through the lands of which they pass.

of other trackers.

18. The trackers of each village within the lands of which the tracks are found shall accompany the trail until the tracks have been acknowledged by some village further on in which the said tracks are found.

Procedure when tracks are lost.

19. When the tracks cease to be discernible, the trackers then in charge shall proceed at once to the nearest police-station, and make a report of the case.

Power to fine villager for breach of track-law.

20. If the inhabitants of any village fail to give forthwith the assistance required by section 16 of this Regulation, or if they do not afford full opportunity for search in their houses for the offenders or property, or if it appears that they or any of them were conniving at the offence, or at the escape of the offenders, or at the removal or concealment of the property, and the offenders or the property cannot be traced beyond such village, the Magistrate of the

district may inflict a fine upon such village not exceeding five hundred rupees, except in the case of property exceeding five hundred rupees in amount or value being stolen, when the fine may be of any amount not exceeding the value of such property.

21. An appeal shall lie to the Commissioner against every order imposing a fine under section 20 of this Regulation. Appeal from order under section 20.

22. The Magistrate of the district may direct that the fine imposed under section 20 of this Regulation, or any portion of such fine, be awarded to any person injured by the offence in compensation for such injury. Award of compensation for injury.

Where stolen property is recovered through the agency of a tracker, such property shall not be restored to the owner till he has paid to the tracker such reward, not exceeding one-quarter of the value of the property recovered, as the Magistrate of the district may direct. Reward to tracker.

23. Landholders and farmers are responsible for maintaining the peace and for apprehending all disturbers of it in their respective estates and farms, Responsibility of landholders and farmers.

and they shall do all in their power to prevent the commission, within their respective estates and farms, of dacoity, robbery, murder, housebreaking, theft and other such offences; and, on the occurrence within such estates and farms of any such offence, shall do their utmost to apprehend the offenders, and shall pursue them if they have fled.

24. Inhabitants of villages through or near which the pursuit may lie shall join in the pursuit and afford all possible assistance towards the apprehension of the offender and the recovery of the stolen property (if any). Villagers to aid in apprehending offenders.

25. The inhabitants of a village shall not, as a general rule, be bound to make good to any person the loss sustained by him by robbery, dacoity or theft committed within the limits of such village; but, if the inhabitants of such village be found to have neglected any of the rules laid down in section 23 of this Regulation, they shall be liable collectively to pay to such person such sum, not exceeding the amount of such loss, as the Magistrate of the district may fix with reference to the circumstances of the case, the degree of negligence, and the capabilities of such inhabitants to pay. Liabilities of villager.

26. The lambardar of each village, or, where there are several lambardars, such one of them as the Magistrate of the district may direct, shall keep a register in which he shall enter a description of all new cattle brought to the village, in such form as the Chief Commissioner may, by rule, prescribe. Lambardar to keep register of new cattle brought to village.

Every person bringing new cattle to the village shall, within twenty-four

hours of their arrival there, unless prevented by some circumstance beyond his control, take them before the said lambardar for registration.

Recovery of money paid under award of Court of Vakils.

27. When an award is made by the Rajputana Court of Vakils against the British Government on account of fine, blood-money or compensation, or otherwise, the Magistrate of the district may, with the previous sanction of the Commissioner, where the amount of the award does not exceed one thousand rupees, and with the previous sanction of the Chief Commissioner where it exceeds that sum, recover the said amount or any part thereof from any person convicted, whether by the said Court or by a Criminal Court in British India, of the offence on account of which such award was made, or from any village or person liable to fine or to the payment of compensation for such offence under section 20 or section 25 of this Regulation.

Recovery of fines, etc., payable under chapter.

28. All sums payable under this Chapter may be recovered by the Magistrate of the district in the manner prescribed for the realization of fines by the Code of Criminal Procedure, 1882.[a] X of 1882.

Indian Penal Code to apply to certain offences.

29. The provisions of the Indian Penal Code[b] and the Acts amending it shall apply to every offence committed before the first day of January, 1862, in any part of the territory to which this Regulation extends, and which, at the time such offence was committed, was part of British India. XLV of 1860.

Police may apprehend members of armed band.

30. The police may apprehend and keep in custody, pending orders from the Chief Commissioner, any person who, there may be reason to believe, belongs to a band of armed men united together for the purpose of committing an offence, whether such offence is to be committed in British territory or elsewhere.

Power to invest Istimrardar, etc., with powers of Police-officer.

31. The Chief Commissioner may invest any Istimrardar or other person with any or all the powers which may be exercised by a Police-officer under any Act for the time being in force in the territories to which this Regulation extends, and may prescribe the limits within which such powers may be exercised.

CHAPTER IV.

MISCELLANEOUS.

Claims under

32. When any claim is made under a contract of dower entered into by a

[a] The reference to Act X of 1872 is altered in accordance with Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

[b] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

Muhammadan husband, whether such claim is made during his life-time or after his death, and whether it is a claim made by a plaintiff, or a claim by way of set-off or lien made by a defendant, the Court shall allow such amount only as appears to be reasonable with reference to the means of such husband, anything to the contrary in such contract notwithstanding. contracts of dower.

33. The amount of interest which may be decreed in any suit instituted in any Civil Court for the period prior to the date of the suit shall not exceed the amount of the principal sum of money received by the defendant from the plaintiff or the persons whom the plaintiff represents. Amount of interest to be decreed.

34. The Chief Commissioner may, from time to time, make rules regulating and restricting the slaughter of animals and the sale of beef or other meat. Slaughter of animals and sale of beef.

In case of emergency the Magistrate of the district, subject to the control of the Commissioner, may issue orders of a similar nature, to remain in force for any period he may fix not exceeding one month.

35. Where the sale of flesh, or shooting, or killing animals is, at the time this Regulation comes into force, prohibited within the limits of any religious place, by order of the Magistrate of the district with the sanction of the Commissioner, such prohibition shall continue unless or until otherwise ordered by the Chief Commissioner. Sale of flesh, or shooting, etc., within limits of any religious place.

36. [*Manufacture of salt.*] *Repealed by Act XII of 1882.*

37. [*Confiscation of salt manufactured without license.*] *Repealed by Act XII of 1882.*

38. The Chief Commissioner may, with the previous sanction of the Governor General in Council, invest any officer by name or office with all or any of the powers conferred by the Ajmere Land and Revenue Regulation, 1877[a], for the recovery of land-revenue or for the recovery of any other revenue due to the Government. Recovery of revenue other than land-revenue.

II of 1877.

39. [*Taxation in cantonments.*] *Repealed by Act XIII of 1889.*

40. In addition to the other matters for which the Chief Commissioner is empowered to make rules by this Regulation, he may, from time to time, make rules as to the following, that is to say :— Additional power to make rules.

(*a*) the maintenance of watch and ward, and the establishment of a proper

[a] Printed *supra*, p. 160.

system of conservancy and sanitation at fairs and other large public assemblies;

(*b*) the imposition of taxes for the purposes mentioned in clause (*a*) of this section on persons holding or joining any of the assemblies therein referred to;

(*c*) the custody of judicial records, civil and criminal; [a]

(*d*) the appointment, duties, punishment, suspension and dismissal of all ministerial officers.

Penalty for breach of rules.

41. The Chief Commissioner may, in making any rule under this Regulation, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding rigorous or simple imprisonment for a month, or a fine of two hundred rupees, or both.

Rules to be sanctioned and published.

42. No rule made by the Chief Commissioner under this Regulation shall take effect until it has been sanctioned by the Governor General in Council and published in the Gazette of India.

Force of rules.

All such rules when so sanctioned and published shall, in so far as they are consistent with this Regulation, have the force of law.

FIRST SCHEDULE.

ACTS REPEALED.

(*See section 2, clause* (*d*).)

Number and year of enactment.	Title or abbreviated title.	Extent of repeal.
Act I of 1847 .	An Act for the establishment and maintenance of boundary-marks in the North-Western Provinces.	So much as has not been repealed.
Act XIX of 1863 .	Partition of estates	So much as has not been repealed.

[a] Words repealed by Act III of 1879, s 9, are omitted.

SECOND SCHEDULE.[a]

Regulations in force.

(*See section 3.*)

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
[b] V of 1799 .	Estates of intestates.	Sections 4, 5, and 6 . . .	The functions of the Court of Sadr Diwani Adalat shall be discharged by the Chief Commissioner.
[b] X of 1804 .	Punishment of State offences by courts-martial.	So much as has not been repealed.	
[b] XI of 1806 .	Passage of troops.	Sections 2 to 6 and section 8, with the exception of such part as authorizes Collectors and their Native officers, or Magistrates and their Police-officers, to give their official aid in procuring coolies for the purpose of facilitating the march of troops or the progress of travellers.[c]	The powers of the Governor General in Council and of the Board of Revenue shall be exercised by the Chief Commissioner.
[b] XIX of 1810	Endowments, public buildings and nazul property.	So much as is not repealed by Act No. XX of 1863.	The functions of the Board of Revenue shall be discharged by the Chief Commissioner.

[a] This schedule is repealed, so far as it relates to the following Bengal Regulations, by the enactments noted against each. The references to those Regulations have therefore been omitted.—

Ben. Reg. I of 1798 . . . . . Reg. IX of 1893.
XVII of 1806 . . . . . Reg. IX of 1893.
XX of 1810 . . . . . Act XIII of 1889.
V of 1817 . . . . . Reg. IX of 1893.
VI of 1819 . . . . . Reg IX of 1893.
XX of 1825 . . . . . Act X of 1882.

[b] Printed *supra*, Part I.

[c] Portion repealed by Reg IX of 1893 (printed *infra*, p. 274) is omitted.

SECOND SCHEDULE—*continued.*

REGULATIONS IN FORCE—*continued.*

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
[*] XI of 1812 .	Foreign Immigrants.	So much as has not been repealed.	The powers of the Nizamat Adalat shall be exercised by the Chief Commissioner.
[*] III of 1818 .	State Prisoners .	So much as has not been repealed.	
[*] VI of 1825 .	Supply of troops on the march.	The whole	The powers of the Board of Revenue shall be exercised by the Chief Commissioner.
[*] V of 1827 .	Administration of landed property.	So much as has not been repealed, except the words and figures "and clauses 5 and 6, section 16, Regulation III, 1803."	The powers of the Board of Revenue shall be exercised by the Chief Commissioner.

THE AJMERE MUNICIPALITIES REGULATION, 1886.

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REGULATION No. V OF 1886.

A Regulation to make better provision for the Organization and Administration of Municipalities in Ajmere and Merwara.

(*Published in the Gazette of India, 1886, Part I, p. 581.*)

Preamble.

WHEREAS it is expedient to make better provisions for the organization and administration of municipalities in Ajmere and Merwara; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Regulation may be called the Ajmere Municipalities Regulation, 1886.

(*2*) It extends to the territories for the time being administered by the Chief Commissioner of Ajmere; and

(*3*) It shall come into force on the first day of November, 1886.

(*4*) [*Repealed by Reg. IX of 1893.*]

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

(*1*) "committee" means a municipal committee constituted under this Regulation:

(*2*) "municipality" means a local area to which this Regulation has been applied under section 4 or section 5:

(*3*) "Honorary Magistrate" means a Magistrate who holds no salaried office in any department of the Government service:

(*4*) "inhabitant" includes any person ordinarily residing or carrying on business or owning or occupying immoveable property in a municipality or in a local area to which the Chief Commissioner has by notification declared his intention to apply this Regulation:

(*5*) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway:

(*6*) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

(*7*) "notification" means a notification published by authority of the Chief Commissioner in the official Gazette:

(*8*) "notified" means published as aforesaid: and

(*9*) "prescribed" means prescribed by rules made by the Chief Commissioner under this Regulation.

Notification of intention to apply Regulation.

3. (*1*) The Chief Commissioner may, by notification and in such other manner as he may from time to time determine, declare his intention to apply this Regulation to any town or to any group of towns in the immediate neighbourhood of one another.

(*2*) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building, land or water in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

Application of Regulation.

4. (*1*) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to the application of the Regulation, submit his objection in writing to the Chief Commissioner within six weeks from the publication of the notification, and the Chief Commissioner shall take his objection into consideration.

(*2*) When six weeks from the publication of the notification have expired, and the Chief Commissioner has considered the objections (if any) which have been submitted under sub-section (*1*), the Chief Commissioner may, by notification, apply this Regulation to the local area.

Special rule as to application of Regulation to towns to which Act XV of 1873 applies.

5. The Chief Commissioner may, by notification, apply[a] this Regulation to any local area which is a municipality established under the North-Western Provinces and Oudh Municipalities Act, 1873 [b] XV of 1873

CHAPTER II.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality, and consisting of—

(*a*) so many elected members as may be determined in manner prescribed, representing the whole municipality or wards of the municipality; and

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Chief Commissioner may, subject to the rules made under this Regulation, appoint in this behalf.

Magistrate to convene meeting to determine system of representation and election.

7. (*1*) The Magistrate of the district within which any municipality is situate shall, within one month from the date on which this Regulation has been applied to the municipality under section 4 or section 5, issue notices in writing to the persons mentioned in section 8, inviting them to meet at a time and place specified in the notices for the purpose of preparing and submitting, within such further time not exceeding three months from the date of the meeting as the Chief Commissioner may fix in this behalf, proposals for determining the system of representation and election to be established in the municipality.

(*2*) The Chief Commissioner may, for special reasons, grant an extension, not exceeding one month, of the time fixed under this section for submitting proposals.

Persons to be invited to meeting.

8. Notices under section 7 shall be issued to the following persons, namely:—

(*a*) all Honorary Magistrates having jurisdiction within the limits of the municipality;

(*b*) [*Repealed by Reg. IX of 1893.*]

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[a] Reg. V of 1886 has, by notifications Nos. 1406—702 and 1408—702, dated 22nd December, 1886 (see Gazette of India, 1887, Pt. II, p. 14), been applied under s 5 to each municipality in Ajmere-Merwara, *viz.*, the municipalities of Ajmere, Beawar and Kekri.

[b] Portion repealed by Reg IX of 1893 (printed *infra*, p. 274), is omitted.

(*c*) any leading residents of the municipality not included under [a]clause (*a*)[a] who in the opinion of the District Magistrate should be allowed to take part in the discussion.

Matters to be considered at the meeting.

9. The persons who meet in compliance with the notices issued under section 7 shall consider, and shall, within the time limited under that section, submit through the District Magistrate to the Chief Commissioner proposals regarding the following matters, namely :—

(*a*) the treatment of the municipality as a whole for the purposes of representation, or the division of the municipality into wards:

(*b*) the number of representatives proper for the municipality or for each ward;

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters regarding the system of representation and of election which it may seem to the meeting expedient to consider.

Power to Chief Commissioner to make rules regarding representation and election.

10. (*1*) The Chief Commissioner shall, after taking into consideration the proposals (if any) submitted under section 9, make rules[b] regulating the matters referred to in that section, and may in making such rules direct that the breach of any provision thereof shall be punished with fine which may extend to ten rupees.

(*2*) The Chief Commissioner may, after the committee has come into existence as hereinafter provided, amend, after consulting the committee, the rules made under sub-section (*1*); but no amendment made under this sub-section shall take effect until six months after it has been published in the official Gazette.

(*3*) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

Term of office of member of committee.

11. (*1*) The term of office of a member of a committee shall be fixed by the Chief Commissioner by rule made under this Regulation, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(*2*) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

Resignation of member.

12. A member of a committee may resign by notifying in writing his

[a-a] This reference was substituted for the original reference by Reg. IX of 1893, printed *infra*, p. 274.

[b] As to procedure for making rules, see s. 150, *infra*, p. 245.

intention to do so to the Chief Commissioner, and, on his resignation being accepted by the Chief Commissioner, he shall be deemed to have vacated his office.

Removal of member.

13. (*1*) The Chief Commissioner may remove any member of a committee—

(*a*) if he refuses to act, or becomes, in the opinion of the Chief Commissioner, incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies in the opinion of the Chief Commissioner, a defect of character which unfits him to be a member;

(*b*) if he has been declared by notification to be disqualified for employment in the public service;

(*c*) if he, without an excuse sufficient in the opinion of the Chief Commissioner, neglects for more than three consecutive months to be present at the meetings of the committee;

(*d*) if his continuance in office is, in the opinion of the Chief Commissioner, dangerous to the public peace or order; or

(*e*) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Chief Commissioner, unnecessary or undesirable.

(*2*) A person removed under this section shall be disqualified for election unless and until the Chief Commissioner otherwise directs.

Filling of casual vacancies.

14. (*1*) When the place of an elected member of a committee becomes vacant by his resignation, removal, death or otherwise, a new member shall be elected in manner prescribed to fill the place:

Provided that the Chief Commissioner may, subject to the limitation of the proportion of appointed members of the committee fixed by section 6, clause (*b*), direct in any such case that the vacancy shall be left unfilled.

(*2*) When the place of an appointed member of a committee becomes vacant as aforesaid, the Chief Commissioner may, if he thinks fit, but subject to the rules made under this Regulation, appoint a new member to fill the place.

(*3*) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

Incorporation of committee.

15. Every committee shall be a body corporate by the name of the committee of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and,

subject to the rules made under this Regulation, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Time for committees coming into existence.

16. A committee shall come into existence at such time as the Chief Commissioner may, by notification, appoint in this behalf.

Consequence of establishment of committee where municipal committee exists.

17. (*1*) When a committee comes into existence under section 16 for a municipality constituted under this Regulation, and that municipality comprises within its limits a local area[a] which is a municipality under the North-Western Provinces and Oudh Municipalities Act, 1873, the following consequences shall ensue, namely :—

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(*a*) the said North-Western Provinces and Oudh Municipalities Act shall cease to apply to the local area[a] ;

(*b*) the committee (if any) constituted under that Act for the local area shall cease to exist ;

(*c*) all property vested in the old committee shall, for the purposes of this Regulation, vest in the committee constituted under this Regulation (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property ;

(*d*) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Regulation had not been made ;

(*e*) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Chief Commissioner ; and

(*f*) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

(*2*) When a committee comes into existence under section 16 for a municipality constituted under this Regulation, and that municipality comprises within its limits a local area in which Act XX of 1856[b] (*An Act to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns, Stations, Suburbs and Bazars in the Presidency of Fort William in Bengal*) is in force, that Act shall cease to have effect in the local area, and

[a] See foot-note [a] on p. 204, *supra*. [b] Printed *supra*, p. 27.

every panchayat constituted under that Act for the local area shall cease to exist.

Chairman and Vice-Chairman.

Election or appointment of chairman.

18. A committee shall, from time to time, at a special meeting, elect as its chairman one of its own members or some other person qualified for election as a member, and the member or other person so elected shall, if the election is approved by the Chief Commissioner, but not otherwise, become chairman of the committee:

Provided that—

(*a*) if the office of chairman remains vacant for three months from the date of the first meeting of the Committee, or, in the case of a vacancy afterwards occurring, from the occurrence of that vacancy, and no person is within that period elected under this section to fill it, the Chief Commissioner may in his discretion appoint such person as he thinks fit by name or by virtue of office to be chairman; and

(*b*) in such municipalities as the Chief Commissioner may from time to time, by notification, exempt from the operation of this section, the Chief Commissioner may from time to time appoint such person as he thinks fit by name or by virtue of office to be chairman.

Election of vice-chairman.

19. In every municipality the committee shall from time to time, at a special meeting, elect one or two of its members to be its vice-chairman or vice-chairmen.

Term of office of chairman and vice-chairman.

20. (*1*) The term of office of a member of the committee elected to be chairman shall be the residue of his term of office as member.

(*2*) The term of office of any other person elected to be chairman, or of a chairman appointed by the Chief Commissioner, shall be such term, not exceeding three years, as the Chief Commissioner may by rule prescribe.

(*3*) The term of office of a vice-chairman shall be one year:

Provided that, when at the time of his election as vice-chairman the residue of his term of office as member of the committee is less than one year, his term of office as vice-chairman shall be the residue of his term as member.

(*4*) An outgoing chairman or vice-chairman shall, if otherwise qualified, be again eligible for election or appointment.

Resignation of chairman or vice-chairman.

21. (*1*) A chairman of a committee may resign by notifying in writing his intention to do so to the Chief Commissioner, and, on his resignation being accepted by the Chief Commissioner, he shall be deemed to have vacated his office.

(*2*) A vice-chairman of a committee may resign by notifying in writing his intention to do so to the committee, and, on his resignation being accepted by the committee, he shall be deemed to have vacated his office.

Removal of chairman or vice-chairman.

22. The Chief Commissioner may remove any chairman or vice-chairman of a committee from his office as such chairman or vice-chairman if he refuses to act, or becomes incapable of acting, or is declared an insolvent; or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be chairman or vice-chairman, or if he, without sufficient excuse, neglects for more than three consecutive months to be present at the meetings of the committee.

Casual vacancies in office of chairman or vice-chairman.

23. (*1*) If an elected chairman or vice-chairman dies or resigns his office or is removed, a new chairman or vice-chairman shall be elected or appointed in manner provided by section 18 or section 19, as the case may be.

(*2*) If a chairman appointed by the Chief Commissioner dies, resigns his office or is removed, the Chief Commissioner shall appoint another chairman.

(*3*) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office:

Provided that, if a person so elected is a member of the committee at the time of his election, he shall go out of office on ceasing to be a member.

(*4*) A person going out of office under sub-section (*3*) shall, if otherwise qualified, be again eligible for election or appointment.

Chairman to become member if not already member.

24. When a person not already a member of the committee is elected or appointed chairman, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of his election or appointment, and shall continue to be a member so long as he holds office as chairman.

Notification of Elections, Appointments and Vacancies.

Notification of elections, appointments and vacancies.

25. Every election and appointment of a member or chairman of a committee, and every vacancy in the office of a member or chairman, shall be notified.

Joint Committees.

Joint committees.

26. (*1*) A committee may, from time to time, concur with any other municipal committee, or with a district board, or with a cantonment authority, or with more than one such committee, board or authority, in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and

in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

(*2*) If any difference of opinion arises between committees, boards or authorities acting under this section, the decision thereon of the Chief Commissioner shall be final.

Conduct of Business.

Time for holding meetings.

27. (*1*) A committee shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 34.

(*2*) The chairman, or, in his absence, a vice-chairman, may, whenever he thinks fit, and shall upon a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

Ordinary and special meetings.

28. (*1*) A meeting of a committee shall be either ordinary or special.

(*2*) Any business may be transacted at an ordinary meeting unless it is required by this Regulation or the rules made under this Regulation to be transacted at a special meeting.

Quorum.

29. (*1*) The quorum necessary for the transaction of business at a special meeting of a committee shall be two-thirds of the whole committee.

(*2*) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 34:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

Chairman of meeting.

30. (*1*) At every meeting of a committee the chairman, if present, shall preside.

(*2*) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting and a vice-chairman is present, such vice-chairman, or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

(*3*) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Vote of majority decisive.

31. (*1*) Except as otherwise provided by this Regulation, or by any rule made by the Chief Commissioner under this Regulation, all questions which may come before any meeting of a committee shall be decided by a majority of the votes of the members present.

(*2*) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

Certain officers entitled to attend and speak.

32. The Civil Surgeon of the district, the Executive Engineer of the division and the Inspector of Schools of the circle shall be entitled to attend any meeting of the committee, and to address the committee on any matter affecting respectively sanitation, public works and public instruction.

Resolutions to be recorded and published.

33. (*1*) Every resolution passed by a committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or the next ensuing meeting, and shall be published in such manner as the Chief Commissioner may direct.

(*2*) A copy of every resolution passed by a committee at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Magistrate.

Power to make rules as to meetings and proceedings.

34. (*1*) Every committee may from time to time, at a special meeting, make rules consistent with this Regulation and any rules made under this Regulation by the Chief Commissioner as to—

(*a*) the time and place of its meetings;

(*b*) the manner of convening ordinary and special meetings respectively, and of giving notice thereof;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings, and the adjournment of meetings;

(*e*) the division of duties among the members of the committee;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money paid under this Regulation; and

(*g*) all other similar matters.

(*2*) Every rule made under this section shall be published in such manner as the Chief Commissioner may direct.

Officers and Servants.

Appointment of secretary.

35. (*1*) Every committee shall, from time to time, at a special meeting,

appoint one or more of its members, or, with the sanction of the Commissioner, any other person or persons, to be its secretary or secretaries, and may at a like meeting remove any person so appointed.

(*2*) If a person who is an officer in the service of the Government, and who is not a member of the committee, is appointed secretary, he shall, notwithstanding anything in the foreging sections, become a member of the committee by virtue of such appointment, and shall continue to be a member of the committee as long as he holds the office of secretary.

(*3*) When a member of the committee is appointed to be secretary, he shall receive no remuneration in respect of his services. In other cases, the committee may, with the previous sanction of the Chief Commissioner, assign to a secretary such pay as it thinks fit.

Employment of other officers and servants.

36. Subject to the other provisions of this Regulation, and to such rules as the Chief Commissioner may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

Pensions of Government officials serving committees.

37. In the case of a Government official a committee may—

(*1*) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the [a]Civil Service Regulations[a] for the time being in force; and

(*2*) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Chief Commissioner.

Pensions of others.

38. In the case of an officer or servant not being a Government official a committee may—

(*1*) grant him leave-allowances and, if he is employed under a committee constituted under the North-Western Provinces and Oudh Municipalities Act, 1873,[b] when this Regulation comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and, XV of 1873.

(*2*) if empowered in this behalf by the Chief Commissioner,—

(*a*) subscribe on his behalf for pension or gratuity under the rules of the [a]Civil Service Regulations[a] for the time being in force; or

[a-a] These words were substituted for the original words by Reg. IX of 1893, printed *infra*, p. 274.

[b] See foot-note [a] on p. 204, *supra*.

(*b*) purchase for him from the Government or otherwise an annuity on his retirement :

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the [a]Civil Service Regulations[a] for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

Contracts.

Authority to contract.

39. (*1*) A committee may delegate to one or more of its members the power of entering into, on its behalf, any contract whereof the value or amount does not exceed two hundred rupees.

(*2*) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the committee at a meeting.

Mode of executing contracts.

40. (*1*) Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing.

(*2*) Every such contract shall be signed by the chairman, or a vice-chairman, and a secretary :

Provided that the committee may delegate to one or more of its members the power of executing any contracts which he is or they are empowered to enter into under section 39, sub-section (*1*).

(*3*) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the committee.

CHAPTER III.

TAXATION.

Taxation.

Taxes which may be imposed.

41. (*1*) Subject to any general rules or special orders which the Governor General in Council may make in this behalf, and to any rules made by the Chief Commissioner under this Regulation, a committee may, from time to time, for the proposes of this Regulation and in the manner by this Regulation directed, impose in the whole or any part of the municipality any of the following taxes, namely :—

(*A*) with the previous sanction of the Chief Commissioner :—

(*a*) a tax on buildings and lands situate within the municipality,

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[a-a] These words were substituted for the original words by Reg. IX of 1893, printed *infra*, p. 274.

not exceeding seven and a half per centum on the annual value of the buildings and lands;

(*b*) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

(*c*) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality;

(*d*) a tax on vehicles and animals used as aforesaid entering the municipality;

(*e*) an octroi on animals for slaughter or goods or both brought within the municipality for consumption or use therein; and

(*B*) with the previous sanction of the Chief Commissioner and of the Governor General in Council, any other tax.

(*2*) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let:

Provided that, in the case of land which is assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Chief Commissioner so directs, be deemed to be double the amount of the land-revenue for the time being assessed on the land, or when the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, double the amount which, but for such release, composition, redemption or assignment, would have been assessable as land-revenue.

Scavenging-tax.

42. When a committee has, in exercise of the powers conferred by this Regulation, provided for the performance, with regard to any buildings or lands, by its agents, of the duties usually performed by sweepers, it may, with the previous sanction of the Chief Commissioner, in the manner by this Regulation directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Regulation, a tax, to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Water-tax.

43. (*1*) Besides the taxes mentioned in sections 41 and 42, a committee, with the previous sanction of the Chief Commissioner, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Regulation directed, a tax,

to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(*2*) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

Procedure in imposing taxes.

44. (*1*) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 41, section 42 or section 43.

(*2*) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(*3*) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee, and the committee shall, at a special meeting, take his objection into consideration.

(*4*) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Chief Commissioner, with the objections (if any) which have been submitted as aforesaid and its decision thereupon.

(*5*) The Chief Commissioner, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(*6*) When the Chief Commissioner sanctions any such proposals which require the further sanction of the Governor General in Council, he shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Chief Commissioner for further consideration.

(*7*) When the proposals of a committee have been sanctioned by the Chief Commissioner, or by the Chief Commissioner and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(*8*) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(*a*) no tax shall come into force until it has been notified;

(*b*) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(*c*) no other tax shall come into force less than one month from the date of the meeting at which its imposition is directed.

(*9*) A notification of the imposition of a tax under this Regulation shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Regulation.

Power to abolish or reduce taxes.

45. A committee may, by a resolution passed at a special meeting and confirmed by the Chief Commissioner, abolish or reduce in amount any tax imposed under section 41, section 42 or section 43.

Power to exempt from taxation.

46. (*1*) A committee may exempt, in whole or in part, from the payment of any such tax, any person who by reason of poverty may in its opinion be unable to pay the same.

(*2*) A committee may, by resolution passed at a special meeting and confirmed by the Chief Commissioner, and the Chief Commissioner may, by order, exempt in whole or in part from the payment of any such tax any person or class of persons, or any property or description of property.

Power for Chief Commissioner to suspend levy of tax.

47. (*1*) If at any time it appears to the Chief Commissioner, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, he may require the committee to take within a specified period measures to remove the objection, and, if within that period the requirement is not complied with to the satisfaction of the Chief Commissioner, the Chief Commissioner may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(*2*) The Chief Commissioner may at any time, by notification, rescind any such suspension.

Taxes not invalid for defect of form.

48. No tax imposed under this Regulation shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes when payable.

49. Any tax imposed under section 41, section 42 or section 43 and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Chief Commissioner, may, by rule, from time to time direct.

50. For all sums paid on account of any tax under this Regulation, a receipt stating the amount and the tax on account of which it is paid shall be given by the person receiving the same, on request by the person making the payment. Receipts to be given.

51. (*1*) An appeal against the assessment or levy of any tax under this Regulation shall lie to the District Magistrate unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Chief Commissioner in this behalf. Appeals against taxation

(*2*) The order of the appellate authority shall be final.

52. (*1*) No appeal shall lie in respect of a tax on any building or land unless it is preferred within two months after the publication of the notice prescribed by section 58, and no appeal shall lie in respect of any other tax unless it is preferred within two months from the time when the demand for the tax is made: Limitation for appeals.

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(*2*) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

53. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Regulation is provided. Taxation not to be questioned except under this Regulation.

54. All taxes leviable in any local area under the North-Western Provinces and Oudh Municipalities Act, 1873,[a] at the time when a committee having authority over that local area comes into existence under this Regulation, shall, so far as their imposition and assessment are consistent with this Regulation and within the powers conferred thereby, be deemed to have been imposed and assessed under this Regulation. Taxes leviable under Act XV of 1873 to be deemed to be taxes under this Regulation.

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Taxes on Immoveable Property.

55. (*1*) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing— Preparation of assessment-list.

(*a*) the name of the street or division in which the property is situate;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

[a] See foot-note [a] on p. 204, *supra*.

(*c*) the names of the owner and occupier, if known;

(*d*) the annual value on which the property is assessed; and

(*e*) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of annual value.

Publication of notice of assessment.

56. When the assessment-list has been completed, the committee shall give public notice thereof and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

57. (*1*) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(*2*) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

Settlement of list.

58. (*1*) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(*2*) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

59. (*1*) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amend-

ment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(*2*) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

60. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

New list need not be prepared every year.

61. (*1*) When a tax payable under section 41, sub-section (*1*), clause (*a*), or under section 42 or section 43, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Remission of tax on unoccupied immoveable property.

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(*2*) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 41, sub-section (*1*), clause (*a*), or under section 42 or section 43, is wholly or in greater part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

62. (*1*) A tax payable under section 41, sub-section (*1*), clause (*a*), shall be paid by the owner of the property in respect of which it is payable.

(*2*) A tax payable under section 42 or section 43 shall be paid by the occupier of the property in respect of which it is payable.

Taxes on immoveable property by whom payable.

63. (*1*) When any sum is due on account of a tax payable under this Regulation in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

Recovery of taxes payable by owner.

(*2*) If the bill is not paid within one month from the presentation thereof, the sum due shall be deemed to be an arrear of tax.

(*3*) The amount of every such arrear may be recovered, on the application of the committee, by the officer discharging the functions of a Collector under the Ajmere Land and Revenue Regulation, 1877,[a] in the part of the territories administered by the Chief Commissioner in which the municipality is situate, as if the property were an estate assessed to land-revenue, and the arrear were an arrear of such revenue due thereon : II of 1877.

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

Octroi and Tolls.

Power to search where octroi is leviable.

64. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

Power to examine article liable to octroi.

65. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(*a*) permit that officer to inspect, examine, weigh and otherwise deal with the article ; and

(*b*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

Presentation of bill for octroi.

66. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Recovery of octroi and tolls.

67. (*1*) In case of non-payment of any octroi or of any toll on demand the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

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[a] Printed *supra*, p. 160.

(*2*) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale :

Provided that, by order of the chairman or a vice-chairman, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as the chairman or vice-chairman may, having regard to the nature of the articles, think proper.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

Constitution of municipal fund.

68. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

(*a*) all sums received by or on behalf of the committee under this Regulation or otherwise ;

(*b*) all fines realised in cases in which prosecutions are instituted under this Regulation or the rules made hereunder or under section 34 of Act V of 1861 [a] for offences committed within the municipality ; and

(*c*) when there has been included within the municipality any municipality constituted under the North-Western Provinces and Oudh Municipalities Act, 1873, [b] the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence.

XV of 1873.

Application of fund.

69. (*1*) The committee shall set apart and apply annually out of the municipal fund—

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions, contributions and payments as are referred to in sections 37 and 38, and such sum as may be required for the maintenance of a police-establishment under Chapter V;

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[a] For Act V of 1861 see the revised edition, as modified up to 1st August, 1892, published by the Legislative Department.

[b] See foot-note [a] on p. 204, *supra*.

(*c*) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for education, sanitation, vaccination, medical relief and public works as may be held by the Chief Commissioner to be equitably debitable to the committee in return for services rendered to it by those Departments.

(*2*) Subject to the charges specified in sub-section (*1*) and to such rules as the Chief Commissioner may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants of the municipality, namely :—

(*a*) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses ;

(*b*) the watering and lighting of such streets or any of them :

(*c*) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions ;

(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions ;

(*e*) the training of teachers and the establishment of scholarships ;

(*f*) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity ;

(*g*) the supply, storage and preservation from pollution of water for the use of men or animals ;

(*h*) the planting and preservation of trees ;

(*i*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(*j*) the holding of fairs and industrial exhibitions ; and

(*k*) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

70. (*1*) In places where there is a Government treasury or sub-treasury, the municipal fund shall be kept in the treasury or sub-treasury. Custody of municipal fund.

(*2*) In places where there is no such treasury or sub-treasury, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Chief Commissioner may in each case think sufficient.

71. (*1*) A committee may, from time to time, with the previous sanction of the Chief Commissioner, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature. Investment of same.

(*2*) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

72. The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee : Management of public institutions.

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Chief Commissioner.

CHAPTER V.

Municipal Police.

73. Every committee shall maintain a police-establishment for watch and ward, and the prevention and suppression of nuisances, within the municipality, and for the enforcement of this Regulation and the rules made thereunder, and of the orders of the committee. Police-establishment.

74. The establishment maintained under section 73 shall, as the committee with the approval of the Chief Commissioner may direct, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861 ; [a] and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the District Magistrate and the Commissioner, and subject to the final decision of the Chief Commissioner, direct. Constitution of establishment.

75. If the establishment maintained under section 73 is a body of watchmen, the watchmen shall be appointed and promoted, and shall be liable to Appointment, punishment and duties of

[a] For Act V of 1861 see the revised edition, as modified up to 1st August, 1892, published by the Legislative Department.

municipal watchmen.

dismissal, suspension, reduction or fine, under such rules as the Chief Commissioner may make in this behalf; and shall perform such duties, and be liable to such penalties, as village-watchmen appointed under the Punjab Laws Act, 1872,[a] as amended by the Punjab Laws Amendment Act, 1875,[b] perform and are liable to. IV of 1872. XV of 1875.

Duties of municipal police enrolled under Act V of 1861.

76. If the establishment is part of the general police-force, the Chief Commissioner may, notwithstanding anything contained in Act V of 1861[c] or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

Powers under section 34 of Act V of 1861.

77. In any municipality in which section 34 of Act V of 1861[c] is in force, every watchman under this Regulation shall have the powers of a police-officer under that section.

CHAPTER VI.

POWER FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

78. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, any land unoccupied by buildings which is, in the opinion of the committee, necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

79. The committee may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street.

Power to permit temporary occupation of streets, etc.

80. The committee may grant permission in writing for the temporary occupation of any street or of any land under its control or management, for the purpose of depositing any building-materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

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[a] For Act IV of 1872 see the revised edition, as modified up to 1st July, 1891, published by the Legislative Department.

[b] Printed *supra*, p. 75.

[c] For Act V of 1861 see the revised edition, as modified up to 1st August, 1892, published by the Legislative Department.

81. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience. **Power to attach brackets for lamps.**

82. (*1*) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered. **Names of streets and numbers of buildings.**

(*2*) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punished with fine which may extend to twenty rupees.

83. The committee at a meeting may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit. **Roofs and external walls not to be made of inflammable materials.**

84. (*1*) If any building or part of a building projects beyond the regular line of a street either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the committee: **Power to regulate line of buildings.**

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(*2*) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

85. (*1*) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Regulation given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely **Notice of new buildings.**

to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely :—

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings if the building abuts on a street:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(*2*) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid, when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and obstructions.

86. (*1*) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(*2*) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the making of this Regulation, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(*3*) The committee may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing-places.

Bathing and washing-places.

87. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

Removal and deposit of offensive matter.

88. The committee may fix places within, or with the approval of the District Magistrate beyond, the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind, or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for slaughter of animals.

89. (*1*) The committee may, with the approval of the District Magistrate, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(*2*) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(*3*) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(*4*) Whoever slaughters any such animal at any other place for sale within the municipality shall be punished with fine which may extend to twenty rupees.

Burial and Burning Places.

Powers in respect of burial and burning places.

90. (*1*) The committee may, by public notice, order[a] any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(*2*) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(*3*) No burial or burning ground, whether public or private, shall be made or formed, after the commencement of this Regulation, without the permission in writing of the committee.

(*4*) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punished with fine which may extend to fifty rupees.

Removal of corpses.

91. The committee may, by public notice, prescribe[a] routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable materials.

92. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools.

93. (*1*) The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies or cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cesspools.

(*2*) If, on such inspection, it appears that the opening of the ground was

[a] As to appeal from orders under ss. 90 and 91, see s. 120, *infra*, p. 237.

necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of the land or building, or by the occupier, as the committee may direct; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power to enter and inspect buildings, etc.

94. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset, enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on buildings or land.

95. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation; or

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Regulation empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation.

96. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation for which a license has not been duly taken out.

Power to inspect places for sale of food or drink, etc., and to seize unwholesome articles exposed for sale.

97. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for human consumption, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it nox-

ious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Power of entry for purpose of scavenging.

98. (*1*) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any drains, privies, cesspools or other receptacles for offensive matter pertaining to buildings or land.

(*2*) Such provision may be made in respect of individual buildings or lands or of buildings or lands generally in any ward or part of the municipality.

(*3*) Nothing in this section or section 42 shall be deemed to preclude the committee from making provision of a different nature for different buildings or lands or different wards or parts of the municipality, and in charging scavenging-tax at different rates therefor, or from exempting wholly or in part from such tax at its discretion any individual who has made arrangements to its satisfaction for the performance of the duties aforesaid.

(*4*) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions to be observed in entering dwelling.

99. When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

Troughs and pipes for rain-water.

100. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof, and for discharging the same so as not to inconvenience persons passing along the street.

Provision of privies, etc.

101. (*1*) The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

(*2*) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(*3*) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

Repair and closing of drains, privies and cesspools.

102. (*1*) The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool belonging thereto.

(*2*) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or rules or to the provisions of this Regulation, or who constructs, re-builds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

Unauthorized buildings over drains, etc.

103. The committee may, by notice, require any person who without its permission in writing newly erects or re-builds any building over any public sewer, drain, culvert, water-course or water-pipe to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, etc., near any source of water-supply.

104. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Power to require drainage, etc., of unwholesome tanks, etc.

105. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein which appears to the committee to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land, or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to

106. If any building, or any well, tank or other excavation, is for want

require buildings, wells, tanks, etc., to be secured.

of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Buildings, etc., in ruinous or dangerous state.

107. If any building, wall or structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee considers necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in Unsanitary Condition.

Power to require owner to clear away noxious vegetation.

108. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to trim hedges and trees bordering on streets.

109. The committee may, by notice, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street, and obstruct the same or cause danger therein, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to have building or land cleansed.

110. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power in respect of building unfit for habitation.

111. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit[a] the owner or occupier thereof from using the same for human habitation or suffering it to be so used until the committee is satisfied that it has been rendered fit for such use.

Power to require untenanted buildings becoming a

112. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which by reason of abandonment or disputed ownership or other cause remains untenanted and thereby becomes

[a] As to appeal from orders under s. 111, see s. 120, *infra*, p. 237.

a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

nuisance to be secured or enclosed.

113. (*1*) The Chief Commissioner may, on the joint report of the District Magistrate and the Civil Surgeon that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Cultivation, use of manure or irrigation, injurious to health after prohibition.

Provided that, when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(*2*) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (*1*), he shall be punished with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

114. (*1*) The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

Regulation of offensive and dangerous trades.

melting tallow; or

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing-house or tannery; or

as a brick-kiln, pottery or lime-kiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to prohibit such trades

115. (1) If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require [a] the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

Power of committee to make rules.

116. (1) A committee may, from time to time, at a special meeting, make rules [b]—

(a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions under which they are to be granted and may be revoked;

(b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads and the loads

[a] As to appeal from orders under s. 115, see s 120, *infra*, p 237.
[b] As to procedure for making rules, see s. 150, *infra*, p. 245.

to be carried by such conveyances, animals or persons where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(*c*) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

(*e*) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets and slaughter-houses;

(*f*) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(*g*) for controlling and regulating the use and management of burial and burning grounds;

(*h*) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(*i*) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax; and

(*j*) generally for carrying out the purposes of this Regulation:

Provided that the committee of a municipality in which the Hackney-carriage Act, 1879,[a] is in force shall not make rules under clauses (*a*) and (*b*) in respect of any vehicles to which that Act applies.

XIV of 1879.

(*2*) In making any rule under this section the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(*3*) No rule made under this section shall come into force until it has been confirmed by the Chief Commissioner and published for such time and in such manner as the Chief Commissioner may prescribe in this behalf.

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[a] Printed *supra*, p. 96.

Supplemental.

Execution of acts required to be done by any notice.

117. (*1*) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, it shall fix a reasonable time for doing the same.

(*2*) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

118. (*1*) Where, under this Regulation, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(*2*) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner:

(*3*) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(*4*) All money recoverable by a committee under this section may be recovered either by suit or on application to a Magistrate having jurisdiction within the municipality, by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(*5*) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

119. (*1*) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of

the powers vested in the committee, its officers and servants under this Regulation, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(*2*) If any dispute arises touching the amount of any compensation which the committee is required by this Regulation to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, [*] sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

X of 1870.

Appeals against certain orders of committee.

120. (*1*) Any person aggrieved by any order made by a committee under the powers vested in it by section 90, 91, 111 or 115 may appeal within thirty days from the date thereof to the District Magistrate; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if in the latter case the District Magistrate is himself a member of the committee, the appeal shall lie to the Commissioner.

(*2*) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(*3*) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

Offences affecting the Public Health, Safety or Convenience.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

121. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punished with fine which may extend to twenty rupees.

Discharging sewage.

122. Whoever, without the permission of the committee, causes or allows

[*] Printed, General Acts, 1867-76, Ed. 1887, p. 177.

the water of any sink, sewer or cesspool, or any other offensive matter to flow, drain or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall be punished with fine which may extend to twenty rupees.

Non-removal of filth, etc.

123. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punished with fine which may extend to twenty rupees.

Making or altering drains without authority.

124. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the control of the committee, shall be punished with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, etc., near any source of water-supply.

125. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 104, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punished with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine which may extend to five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals so as to be injurious to health.

126. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punished with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

127. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punished with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

128. Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punished with fine which may extend to twenty rupees.

129. Whoever discharges firearms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punished with fine which may extend to twenty rupees. Discharging firearms, etc.

130. Whoever, being an elephant-driver, or camel-driver, omits on being requested to do so, to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punished with fine which may extend to twenty rupees. Control of elephants and camels.

131. Whoever, contrary to any orders of the committee, takes an elephant along a street shall be punished with fine which may extend to twenty rupees. Taking elephants along streets.

132. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall be punished with fine which may extend to twenty rupees. Suffering dogs to be at large.

133. Whoever, without the written permission of the committee, alters, obstructs or encroaches upon any street or public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building materials or makes any hole or excavation on or in any street, shall be punished with fine which may extend to fifty rupees. Altering, obstructing or encroaching upon streets, etc.

134. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punished with fine which may extend to fifty rupees. Quarrying, blasting, cutting timber or building.

135. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punished with fine which may extend to twenty rupees. Picketing animals and collecting carts.

136. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public shall be punished with fine which may extend to ten rupees. Carrying corpses by prohibited routes or so as to cause annoyance.

137. Whoever, without being authorized by the committee, defaces or Destroying

direction-posts, lamp-posts, etc.

disturbs any direction-post or lamp-post, or extinguishes any light in any street or public place, shall be punished with fine which may extend to twenty rupees.

Penalty for disobedience to orders of committee under Chapter VI.

138. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by Chapter VI, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers shall, if the disobedience or omission is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Regulation.

Prosecution to be suspended in certain cases.

139. A prosecution for an offence under section 90, section 115 or section 138, when the order which has been disobeyed is appealable, shall be suspended when the Magistrate learns that an appeal has been instituted, pending the decision of the appeal; and, if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner or District Magistrate.

140. The Commissioner or the District Magistrate, when he is not a member of the committee, may—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any committee or joint committee, or any work in progress under the direction of a committee or joint committee;

(*b*) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee;

(*c*) by order in writing require any committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to its proceedings or duties as he thinks fit to call for; and

(*d*) record in writing for the consideration of any committee or joint committee any observations he thinks proper in regard to its proceedings or duties.

141. (*1*) The Commissioner or the District Magistrate may, by order in writing, suspend the execution of any resolution or order of a committee, or joint committee, or prohibit the doing of any act which is about to be done, or is being done, in pursuance of, or under cover of, this Regulation, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Power to suspend action by committee or joint committee.

(*2*) When the Commissioner or the District Magistrate makes any order under this section, he shall forthwith forward a copy thereof with a statement of his reasons for making it, if the Magistrate to the Commissioner, if the Commissioner to the Chief Commissioner, who may thereupon rescind the order, or direct that it continue in force with or without modification permanently or for such period as he thinks fit.

142. (*1*) In cases of emergency the District Magistrate may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

Extraordinary powers of District Magistrate in case of emergency.

(*2*) If the expense is not so paid, the District Magistrate may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible from that balance, in priority to any or all other charges against the same.

(*3*) The District Magistrate shall forthwith report to the Commissioner every case in which he exercises the powers conferred on him by this section.

143. (*1*) If at any time it appears to the Chief Commissioner that a committee has made default in performing any duty imposed on it by or under this Regulation or any other law, the Chief Commissioner may, by order in writing, fix a period for the performance of that duty.

Powers of Chief Commissioner in case of default of committee.

(*2*) If that duty is not performed within the period so fixed, the Chief Commissioner may appoint the District Magistrate to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, to the Magistrate by the committee.

(3) If the expense is not so paid, the District Magistrate, with the previous sanction of the Chief Commissioner, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

Power of Chief Commissioner to supersede committee in case of incompetency, persistent default or abuse of powers.

144. (*1*) If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or exceeds or abuses its powers, the Chief Commissioner may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the official Gazette, declare that committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(*2*) When a committee is so superseded, the following consequences shall ensue :—

(*a*) all members of the committee shall, as from the date of the order, vacate their offices as such members;

(*b*) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Chief Commissioner appoints in that behalf; and

(*c*) all property vested in the committee shall, during the period of supersession, vest in Her Majesty.

(*3*) On the expiration of the period of supersession specified in the order, the committee shall be reconstituted, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for being members.

Power of Chief Commissioner to frame forms and make rules.

145. (*1*) The Chief Commissioner may frame forms for any proceeding of a committee for which he considers that a form should be provided, and make rules[a] consistent with this Regulation—

(*a*) as to the appointment of members of a committee;

(*b*) as to the term of office of members of a committee, and of chairmen who, not being members of a committee at the time of their election, have been elected to the office of chairman, or who have been appointed to that office by the Chief Commissioner;

(*c*) as to the filling of casual vacancies among elected and appointed members of a committee;

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[a] As to procedure for making rules, see s. 150, *infra*, p. 245.

(*d*) as to the language in which business shall be transacted, proceedings recorded and notices issued;

(*e*) as to the assessment and collection of taxes imposed under this Regulation and for preventing evasion of the same;

(*f*) as to the authority on which money may be paid from the municipal fund;

(*g*) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;

(*h*) as to the qualifications requisite in the case of persons appointed by the committee to offices requiring professional skill;

(*i*) as to the intermediate office or offices, if any, through which correspondence between committees and the Chief Commissioner or his officers, and representations addressed to the Chief Commissioner under this Regulation shall pass;

(*j*) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought;

(*k*) as to the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality;

(*l*) as to the priority to be given to the several duties of the committee;

(*m*) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned;

(*n*) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Regulation, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(*o*) as to the preparation of estimates of income and expenditure of committees, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned;

(*p*) as to the returns, statements and reports to be submitted by committees;

(*q*) as to the publication of notices; and

(*r*) generally, for the guidance of committees and public officers in all matters connected with the carrying out of this Regulation.

(*2*) In making rules under sub-section (*1*), clause (*e*), the Chief Commissioner may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

CHAPTER IX.

SUPPLEMENTAL.

Penalty on member, officer or servant of committee being interested in contract made with committee.

146. (*1*) If any member, officer or servant of a committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.[a] XLV of 1860.

(*2*) A person shall not by reason of being a shareholder in, or member of, any incorporated or registered company be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Suits against committee and its officers.

147. (*1*) No suit shall be instituted against a committee, or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, left at its office, and, in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.[b] I of 1877.

(*2*) A suit against an officer of a committee in respect of an act purporting to be done by him in his official capacity shall be instituted within three months next after the accrual of the cause of action, and not afterwards.

Liability of members for loss, waste or misapplication.

148. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation may be instituted against him by the committee with the previous sanction of the Commissioner or by the Secretary of State for India in Council.

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] Printed, General Acts, 1877-81, Ed. 1884, p. 34.

149. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Regulation, the Chief Commissioner may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870[a]; and, on payment by the committee of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee. Acquisition of land under Act X of 1870.

X of 1870.

150. (*1*) The authority empowered to make rules under section 10, section 116 or section 145 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified. Procedure for making rules.

(*2*) Every rule made under any of those sections shall be published in such manner as the Chief Commissioner may direct; and such publication shall be conclusive proof that the rule has been made as required by this section.

151. A Court shall not take cognizance of an offence punishable under this Regulation, or the rules made under this Regulation, except on the complaint of the committee or of some person authorized by the committee in this behalf. Prosecutions.

152. Nothing in this Regulation shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Regulation or the rules made under it: Saving of prosecutions under other laws.

Provided that a person shall not be punished twice for the same offence.

153. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable. Recovery of taxes, etc.

154. The Chief Commissioner may, by notification, and in such other manner as he may determine, declare his intention— Notification of intention to alter limits of municipality.

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification, or

[a] Printed, General Acts, 1867-76, Ed. 1887, p. 177.

(*b*) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

Alteration of limits of municipality.

155. (*1*) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Chief Commissioner within six weeks from the publication of the notification, and the Chief Commissioner shall take the objection into consideration.

(*2*) When six weeks from the publication of the notification have expired, and the Chief Commissioner has considered the objections (if any) which have been submitted under sub-section (1), the Chief Commissioner may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

156. (*1*) When a local area is excluded from a municipality under section 155—

(*a*) this Regulation, and all rules, orders, directions and powers made, issued or conferred under this Regulation, shall cease to apply thereto; and

(*b*) the Chief Commissioner shall, after consulting the committee, frame, a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council, and, on the publication of the scheme in the official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(*2*) All property vested in Her Majesty under sub-section (*1*) shall be applied under the orders of the Chief Commissioner to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area.

Effect of including local area in municipality.

157. When a local area is included in a municipality under section 155, this Regulation, and all rules, orders, directions and powers made, issued or conferred under this Regulation, and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

158. All powers conferred by this Regulation on the Governor General in Council or on the Chief Commissioner may be exercised from time to time as occasion requires.

Powers exercisable from time to time.

159. Nothing in this Regulation shall affect the Local Authorities Loan Act, 1879.[a]

XI of 1879.

Saving of Act XI of 1879.

160. Every member of a committee constituted under this Regulation shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

Member of committee to be municipal commissioner.

161. Anything done or any proceeding taken under this Regulation shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

CHAPTER X.

Exceptional Provisions.

162. (*1*) If it appears to the Chief Commissioner that the circumstances of any municipality are such that the provisions of this Regulation requiring that a certain proportion of the members of a committee be elected are unsuited thereto, the Chief Commissioner may, by notification, except the municipality, wholly or in part, from the operation of those provisions; and thereupon those provisions shall not apply, or shall only apply in part, as the case may be, to the excepted municipality until again applied thereto by a like notification of the Chief Commissioner:

Power to except municipalities from operation of provisions of Regulation regarding election.

Provided that a notification shall not be issued under this section in respect of a municipality for which a committee has come into existence unless its issue has been sanctioned by the Governor General in Council.

(*2*) While the municipality continues to be excepted, wholly or in part, from the operation of the provisions mentioned in sub-section (*1*), the Chief Commissioner may appoint such of the members of the committee as would otherwise have been elected.

163. (*1*) The Chief Commissioner may, with the previous sanction of the Governor General in Council, by notification, withdraw from the operation of this Regulation,[b] the area of any municipality constituted under this Regulation.[b]

Power to withdraw municipal area altogether from operation of Regulation.

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[a] Printed, General Acts, 1877-81, Ed. 1884, p. 335.
[b] Portions repealed by Reg. IX of 1893 (printed *infra*, p. 274), are omitted.

(2) When a notification is issued under this section in respect of any municipality, this Regulation,[a] and all rules, bye-laws, orders, directions and powers made, issued or conferred thereunder, shall cease to apply to the local area comprised in the municipality; the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the committee shall vest in Her Majesty; and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in Her Majesty under sub-section (2) shall be applied under the orders of the Chief Commissioner to discharging the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

THE AJMERE RURAL BOARDS REGULATION, 1886.

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REGULATION No. VI OF 1886.

The Ajmere Rural Boards Regulation, 1886.

(*Published in the Gazette of India, 1886, Part I, p. 601.*)

Preamble.

WHEREAS a rate is levied on land in Ajmere and Merwara for certain local purposes, and it is expedient to make better provision for the constitution of local bodies to administer the expenditure of the proceeds of that rate, and of the income accruing from certain other sources of revenue which may, from time to time, be made applicable to local purposes; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Ajmere Rural Boards Regulation, 1886.

(*2*) It extends to all the territories which are now under the administration of the Chief Commissioner of Ajmere and to which the provisions of the 33rd of Victoria, chapter 3, section 1 [a], have been declared applicable; and

(*3*) It shall come into force on the first day of November, 1886.

CHAPTER II.

LOCAL RATE.

Local rate.

2. (*1*) Every estate shall be subject to the payment of a rate, to be called the local rate, not exceeding three pies for every rupee of its annual value.

(*2*) "Annual value" in sub-section (*1*) means—

(*a*) in the case of a khalisa estate, double the land-revenue for the time being assessed on the estate;

(*b*) in the case of an istimrari estate, double the land-revenue which would have been assessable on the estate if the land-revenue thereof had not been in part released; and

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[a] Printed in the Collection of Statutes relating to India, Ed. 1881, Vol. II, p. 878.

(*c*) in the case of a jagir estate, double the land-revenue which would have been assessable on the estate if the land-revenue thereof had not been wholly released.

(*3*) The rate levied on any estate for the maintenance of roads, schools and the district-post at the time of the enactment of this Regulation shall be deemed to be the local rate to which the estate is subject under this section.

(*4*) The Chief Commissioner may at any time direct the revision of the assessment of the local rate for all or any estates in any local area, and from time to time prescribe the instalments and times in and at which that rate shall be payable.

(*5*) The local rate may be recovered as if it were an arrear of land-revenue due in respect of the estate subject thereto.

CHAPTER III.

Constitution of District Boards and Local Boards.

Formation of districts and sub-districts.

3. (*1*) By order in writing, for the purposes of this Regulation, the Chief Commissioner may declare all the territories under his administration to be one district, or may divide those territories into districts, and may divide any district into sub-districts.

(*2*) The Chief Commissioner may, from time to time, by order in writing, vary any order made under this section.

(*3*) There shall be excluded from the district or districts formed under this section such portions of the said territories as are for the time being included in the limits of a military cantonment or of a municipality.

Establishment of district board for district, and of local board for sub-district.

4. There shall be established for the district, or for each district, as the case may be, a district board having authority over the district, and, when the district is divided into sub-districts, for each sub-district a local board, which shall in the sub-district be the agent of the district board and, as such agent, have such authority and discharge such duties as the district board may, by written authority in that behalf, from time to time, confer or impose upon it.

Number and appointment or election of members.

5. (*1*) A district board or local board shall consist of such number of members, not less than six, as the Chief Commissioner may, from time to time, fix in this behalf.

(*2*) The members may be appointed by the Chief Commissioner either by name or by official designation, or may be elected in accordance with rules made by the Chief Commissioner under this Regulation, or some may be appointed and some elected, as the Chief Commissioner from time to time directs:

Provided that—

(*a*) not less than two-thirds of the members of every board shall be persons by whom the local rate is payable; and

(*b*) when the district has been divided into sub-districts, not less than one-half of the members of each local board shall be members of the district board.

Term of office of members.

6. (*1*) A member appointed by virtue of an office shall, unless the Chief Commissioner otherwise directs, continue to be a member while he continues to hold that office.

(*2*) The term of office of all other members shall be fixed by the Chief Commissioner by rules made under this Regulation, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(*3*) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

Resignation of members.

7. A member may resign by notifying in writing his intention to do so to the Chief Commissioner, and, on the acceptance by the Chief Commissioner of such resignation, the member shall be deemed to have vacated his office.

Power of Chief Commissioner as to removal of members.

8. The Chief Commissioner may remove any member—

(*a*) if he refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be a member;

(*b*) if he has been proscribed by the Government from being employed in its service;

(*c*) if he, being a member of a local board, without an excuse sufficient in the opinion of the Chief Commissioner, neglects for more than three consecutive months to be present at the meetings of that board, or, being a member of the district board, without such sufficient excuse, neglects for more than six consecutive months to be present at the meetings of that board;

(*d*) if his continuance in office is, in the opinion of the Chief Commissioner, dangerous to the public peace or order; or,

(*e*) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Chief Commissioner, unnecessary or undesirable.

Filling of casual vacancies.

9. (*1*) When the place of an elected member becomes vacant by the resignation or removal of the member or by his death, a new member shall be chosen in accordance with rules made by the Chief Commissioner under this Regulation to fill the place :

Provided that the Chief Commissioner may direct in any such case that the vacancy shall be left unfilled.

(*2*) When the place of a member appointed by name becomes vacant as aforesaid, the Chief Commissioner may, if he thinks fit, appoint a new member to fill the place.

(*3*) A person chosen or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

Incorporation of district board.

10. A district board shall be a body corporate by the name of the district board of its district, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, to transfer any moveable property, and, subject to rules made by the Chief Commissioner under this Regulation, any immoveable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Time for boards coming into existence.

11. The board for a district or sub-district shall come into existence at such time as the Chief Commissioner may appoint in this behalf.

CHAPTER IV.

Duties of District Boards.

Matters to be administered by district board.

12. The following matters shall, subject to such exceptions and conditions as the Chief Commissioner may, from time to time, make and impose, be under the control and administration of the district board within the area subject to its authority :—

(*a*) the construction, repair and maintenance of public roads and other means of communication ;

(*b*) the establishment, management, maintenance and visiting of schools, hospitals, dispensaries, markets, rest-houses, sarais and other public institutions, and the construction and repair of all buildings connected with these institutions ;

(*c*) the construction and repair of public wells, tanks and water-works, the supply of water from them and from other sources, and the preservation from pollution of water for drinking, cooking and bathing purposes;

(*d*) the planting and preservation of trees on the sides of roads and on other public ground;

(*e*) the establishment and maintenance of such relief-works in time of famine or scarcity as may be entrusted to the charge of the board by the Chief Commissioner;

(*f*) the establishment and management of pounds, including, where the Cattle-trespass Act, 1871,[a] is in force, such functions of the Local Government and the Magistrate of the district as may be transferred to the board by the Chief Commissioner; I of 1871.

(*g*) the regulation of encamping-grounds;

(*h*) the holding and management of agricultural shows and industrial exhibitions;

(*i*) the maintenance of any property which is vested in the district board or may be placed by the Chief Commissioner under the management of that board; and

(*j*) any other local works or measures likely to promote the health, comfort or convenience of the public.

District board not to abolish any institution without concurrence of departmental authority, and not to depart from approved principles of administration.

13. (*1*) The district board shall not abolish any school, dispensary or other institution without reference to the head of the department concerned.

(*2*) If any difference of opinion arises between the district board and the head of a department under sub-section (*1*), the decision thereon of the Chief Commissioner shall be final.

(*3*) The district board shall, in controlling and administering the matters specified in section 12, observe those general principles which the Government has approved in the several departments of the administration.

CHAPTER V.

Officers and Servants.

Employment of officers and servants.

14. (*1*) The district board may employ such officers and servants as may be necessary and proper for the efficient execution of its duties and of the

[a] For Act I of 1871 see the revised edition, as modified up to 1st March, 1891, published by the Legislative Department.

duties of the local boards (if any) in the district, and may assign to such officers and servants such pay as it thinks fit and as may be approved by the Commissioner.

(*2*) If, in the opinion of the Commissioner,—

(*a*) the number of persons employed by the district board under this section is excessive, or

(*b*) any such person is unfit for his employment,

the board shall, on the requirement of the Commissioner, reduce the number or dismiss the unfit person, as the case may be.

Pensions of Government officials serving the district board.

15. In the case of a Government official, the district board may—

(*1*) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the [a]Civil Service Regulations[a] for the time being in force; and

(*2*) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Chief Commissioner.

Pensions of other officers and servants.

16. In the case of an officer or servant not being a Government official, referred to in section 15, the district board may—

(*1*) grant him leave-allowances, and, if his monthly pay is less than ten rupees, a gratuity; and

(*2*) if empowered in this behalf by the Chief Commissioner—

(*a*) subscribe in his behalf for pension or gratuity under the rules of the [a]Civil Service Regulations[a] for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the [a]Civil Service Regulations[a] for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

CHAPTER VI.

District Fund.

Constitution.

17. (*1*) There shall be formed for the district or for each district, as the

[a-a] These words were substituted for the original words by Reg. IX of 1893, printed *infra*, p. 274.

custody and application of the district fund.

case may be, a fund to be called the district fund, and there shall be placed to the credit thereof—

(*a*) the whole, or such portion as the Chief Commissioner may determine, of the balance of local funds available in whole or in part for expenditure in the district on the day on which the district board comes into existence;

(*b*) the proceeds of the local rate levied in the district, after deduction therefrom of such sum as the Chief Commissioner may assign for the maintenance of the district-post;

and, subject to such exceptions and conditions as the Chief Commissioner may from time to time make and impose, the following, namely :—

(*c*) the sale-proceeds of grass and of the produce of trees on the sides of roads and on other public ground under the control and administration of the district board, and of timber fallen and felled thereon;

(*d*) the surplus accruing in the district under section 18 of the Cattle-trespass Act, 1871;[a] I of 1871.

(*e*) receipts from encamping-grounds under the regulation of the district board;

(*f*) receipts from property vested in the district board;

(*g*) rents and profits accruing from nazul and other property placed by the Chief Commissioner under the management of the district board;

(*h*) other sums assigned to the district fund by the Chief Commissioner, and sums contributed thereto by local bodies or private persons; and

(*i*) all other sums received by or on behalf of the district board in the carrying out of this Regulation.

(*2*) The district fund shall be vested in the district board, and the balance standing at the credit of the fund shall be kept in the Government Treasury.

(*3*) The district fund shall be charged with the payment of the expenses incurred in auditing the accounts of the district board, and such portion of the cost of the Provincial Departments for education, sanitation, vaccination, medical relief and public works as may be held by the Chief Commissioner to be equitably debitable to the district board in return for services rendered to the board by those Departments.

(*4*) Subject to the charges specified in sub-section (*3*), the district fund

[a] For Act I of 1871 see the revised edition, as modified up to 1st March, 1891, published by the Legislative Department.

shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections 12, 14, 15 and 16.

CHAPTER VII.

CONTROL.

Power of Commissioner in cases of default of district board.

18. (*1*) When the Commissioner, after due enquiry, is satisfied that a district board has made default in performing any duty imposed upon it by or under this Regulation or any other law for the time being in force, he may, by an order in writing, fix a period for the performance of that duty, and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the board to that person.

(*2*) The Chief Commissioner may confirm, modify or rescind any order made under this section by the Commissioner.

Power of Commissioner to suspend, and of Chief Commissioner to cancel, proceedings of boards.

19. The Commissioner may suspend, and the Chief Commissioner may cancel, any proceeding of a board, if in his opinion the proceeding is in excess of the powers conferred by law, or is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Power to supersede district board in case of incompetency, persistent default or abuse of powers.

20. (*1*) If a district board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or exceeds or abuses its powers, the Chief Commissioner may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the Gazette of India, declare the board to be incompetent or in persistent default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(*2*) When a district board is so superseded, the following consequences shall ensue :—

(*a*) all members of the board, and all members of the local boards (if any) of the district, shall from the date of the order vacate their offices as such members ;

(*b*) all powers and duties of the district board may, during the period of supersession, be exercised and performed by such person or persons as the Chief Commissioner, from time to time, appoints in that behalf ; and

(*c*) all property vested in the district board shall, during the period of supersession, vest in Her Majesty.

(*3*) On the expiration of the period of supersession specified in the order, the district board and the local boards (if any) shall be re-established, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for appointment or election.

CHAPTER VIII.

Liability of Members of Boards.

Liability of members for loss, waste or misapplication.

21. A person shall be liable for the loss, waste or misapplication of any money or other property belonging to the district board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of that board or of a local board, and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the district board with the sanction of the Commissioner, or by the Secretary of State for India in Council.

CHAPTER IX.

Forms and Rules.

Power of Chief Commissioner to frame forms and make rules.

22. (*1*) The Chief Commissioner may, from time to time, frame forms for any proceeding for which he considers that a form should be provided, and make rules consistent with this Regulation—

(*a*) as to the mode and time of appointment or election of members of boards, and the qualifications and disqualifications of such members, and the qualifications and disqualifications of electors, and generally for regulating all elections under this Regulation;

(*b*) as to the term of office of members, and the filling of casual vacancies;

(*c*) as to the conduct of proceedings of boards, including the minimum number of meetings to be held and the maximum interval between successive meetings, the mode of convening, and notice to be given of, meetings, the quorum necessary for the transaction of business at any meeting, the representation of any members at meetings by proxies appointed either from among the other members or otherwise, the appointment or election and the term of office of chairmen, vice-chairmen and secretaries, the giving of

a casting vote in case of an equality of votes at a meeting, the formation of committees and the delegation of powers to them, and the recording of minutes of proceedings and the transmission of copies of those minutes to the Commissioner;

(*d*) as to the powers of boards to enter into contracts and transfer property, and as to the mode in which boards shall execute contracts;

(*e*) as to the authority on which money may be paid from the district fund;

(*f*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of a board, and as to the authority by which, and the conditions subject to which, such plans and estimates may be sanctioned;

(*g*) as to the accounts to be kept, and as to the manner in which those accounts shall be audited and published;

(*h*) as to the preparation of estimates of income and expenditure, and the authority by whom, and the conditions subject to which, such estimates may be sanctioned;

(*i*) as to the returns, statements and reports to be submitted by boards;

(*j*) as to the apportionment of the district fund between the general purposes of the district and the purposes of particular parts of the district, and the appropriation of funds raised in a particular area to the purposes of that area; and,

(*k*) generally, for the guidance of boards and officers of Government in all matters connected with the carrying out of this Regulation and for settling their relations to one another.

(*2*) The Chief Commissioner shall, before making any rules under this section, publish, in such manner as may in his opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*3*) Every rule made under this section shall be published in such manner as the Chief Commissioner may, from time to time, prescribe in this behalf; and such publication shall be conclusive evidence that the rule has been made as required by sub-section (*2*).

Power of boards to make rules.

23. The district board, and, with the previous sanction of the district board, a local board, may, from time to time, make rules consistent with this

Regulation, and with any rules made under this Regulation by the Chief Commissioner, as to—

(*a*) the time and place of its meetings;

(*b*) the conduct of proceedings at meetings and the adjournment of meetings;

(*c*) the division of duties among the members of the board, and the powers to be exercised by members to whom particular duties have been assigned;

(*d*) the persons by whom receipts may be granted on behalf of the board for money paid under this Regulation; and

(*e*) other similar matters.

REGULATION No. III OF 1887.

A Regulation to make provision for the Payment of the Debts of Diwan Ghyas-ud-din Ali Khan, Sajjada-nashin of the Dargah Khwaja Sahib at Ajmere.

(*Received the assent of the Governor General on the 14th January, 1887, and published in the Gazette of India, 1887, Part 1, p. 23.*)

Preamble.

WHEREAS on the twentieth day of September, 1884, the Commissioner of Ajmere made an order purporting to place the property of Diwan Ghyas-ud-din Ali Khan, Sajjada-nashin of the Dargah Khwaja Sahib at Ajmere, under the charge and administration of the Court of Wards, and directing monition to be made by proclamation against the giving of credit to the Diwan;

And whereas the Court of Wards borrowed from certain bankers the sum necessary to discharge most of the debts due from the Diwan, and agreed to pay interest on that sum at the rate of eight per centum yearly;

And whereas it is expedient that the Government should repay to the bankers the sum borrowed from them, with interest, if any, due thereon, and advance money for that purpose at a lower rate of interest;

And whereas it is expedient that the Government should also advance money for the satisfaction of certain debts due from the Diwan to the amount of about four thousand five hundred rupees which the Court of Wards did not discharge out of the sum borrowed from the bankers;

It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Regulation may be called the Diwan's Estate Regulation, 1887, and

(*2*) It shall come into force at once.

2. In this Regulation the expression "Her Majesty" includes Her heirs and successors to the Crown. Definition.

3. The order made by the Commissioner on the twentieth day of September, 1884, and the sum borrowed by the Court of Wards from the bankers after that date for the purpose of discharging debts due from the Diwan, shall be deemed to have been respectively made and borrowed in accordance with law. Validation of past proceedings.

4. From the time when the Government advances any of the money necessary either to repay the sum which the Court of Wards borrowed from the bankers, or to satisfy the debts due from the Diwan which the Court of Wards did not discharge out of that sum, all the rights which the Diwan has at any time possessed in the villages of Hokran, Kalan and Khurd, and Kishnpura including Goela, and all the rights which he may have or at any time acquire in any other property, moveable or immoveable, in the district of Ajmere, shall vest in Her Majesty free from any incumbrance, and shall remain so vested until from the income arising therefrom and from other sources all the money which may be advanced by the Government for the purposes stated in the preamble has been repaid to the Government with interest at the rate of five per centum yearly: Certain property of Diwan in the Ajmere district to vest temporarily in the Government.

Provided that, if the Diwan dies before that money has been repaid with interest as aforesaid, the rights in the villages expressly named in this section shall on his death cease to vest in Her Majesty, and shall thereupon vest in the person who may succeed the Diwan as Sajjada-nashin of the Dargah Khwaja Sahib.

5. From that time also Her Majesty shall be deemed to be usufructuary mortgagee of all the rights which the Diwan has at any time possessed in the village of Dilwara, and those rights shall be deemed to be free from any other incumbrance, and shall remain vested in Her Majesty until from the income arising therefrom and from other sources all the money which may be advanced by the Government for the purposes stated in the preamble has been repaid to the Government with interest at the rate of five per centum yearly. Other property of Diwan in the Ajmere district transferred to the Government by way of usufructuary mortgage.

6. From that time also the property so vested shall cease to be under the charge of the Court of Wards, and shall be administered, and, so long as it remains so vested, shall continue to be administered, on behalf of the Government by such agent as the Chief Commissioner, with the previous sanction of the Governor General in Council, may from time to time appoint in that behalf. Administration of property.

7. When any sum comes into the possession of the Government from a Receipts from

property of Diwan beyond the Ajmere district.

source of income which the Diwan has beyond the limits of the district of Ajmere, the sum may be applied to the repayment of the money advanced by the Government and the interest due or becoming due thereon.

Exemption of property from attachment, delivery or sale.

8. An order made or process issued by any Court for the attachment, delivery or sale of any property vested in Her Majesty under this Regulation, or for the attachment of income arising from any such property, or for the attachment of any such sum as is referred to in the last foregoing section, shall be void.

Disabilities of Diwan.

9. The Diwan shall be, and shall be deemed to have been on and from the twentieth day of September, 1884, incompetent to transfer or create any charge on, or interest in, any property in the district of Ajmere which is mentioned or referred to in this Regulation, or to enter into any contract involving him in pecuniary liability.

Maintenance of the Diwan and his relatives.

10. While the property vested in Her Majesty by this Regulation is administered on behalf of the Government, the Government shall allow to the Diwan and his relatives out of the income arising from that property and from other sources such sum for their maintenance as it deems just.

REGULATION No. VIII OF 1887.

A Regulation to declare the Law relating to Irrigation from Tanks belonging to the Government in Ajmere.

(*Received the assent of the Governor General on the 8th August, 1887, and published in the Gazette of India, 1887, Part I, p. 403.*)

Preamble.

WHEREAS it is expedient to declare the law relating to irrigation from tanks to the exclusive use and control of the water whereof the Government is entitled under section 5 of the Ajmere Land and Revenue Regulation, 1877 [a]; It is hereby enacted as follows:— II of 1877.

Title, extent and commencement.

1. (*1*) This Regulation may be called the Ajmere Irrigation Regulation, 1887.

(*2*) It extends to the territories now administered by the Chief Commissioner of Ajmere and subject to the provisions of the Statute 33 Victoria, chapter 3, section 1 [b]; and

(*3*) It shall come into force on such date [c] as the Chief Commissioner may, by notification in the official Gazette, appoint in this behalf.

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[a] Printed *supra*, p. 162.
[b] Printed in the Collection of Statutes relating to India, Ed. 1881, Vol. II, p. 878.
[c] The 1st October, 1887—see Gazette of India, 1887, Pt. II, p. 604.

2. In this Regulation, unless there is something repugnant in the subject or context,— Definitions.

(*1*) "field" means an area bearing a separate number in the village map or khasra:

(*2*) "stream-embankment" means a dam across a river, stream or natural drainage-channel, and includes a dam known locally as "rappat":

(*3*) "field-embankment" means an embankment, whether made by raising the boundary of a field or otherwise, which retains, or is intended to retain, surface-drainage, and includes an embankment known locally as "nadi":

(*4*) "tank" means a tank constructed by the Government, and includes such stream-embankments and field-embankments as are maintained at the expense of the Government:

(*5*) "duct" includes any channel which is supplied with water from a tank and is maintained by the Government:

(*6*) "water-course" means a channel which is supplied with water from a tank or duct, but which is not maintained by the Government:

(*7*) "lift" includes any appliance used for the purpose of raising water from a tank, duct or water-course: and

(*8*) "water-revenue" means any sum payable to the Government for the supply or use of the water of a tank.

3. (*1*) The Chief Commissioner may, by order in writing, define, with respect to any tank specified in the order, the limits of the area in the vicinity thereof within which lands are to be liable to be assessed to water-revenue as being benefited by percolation from the tank. Assessment to water-revenue for irrigation due to percolation.

(*2*) The order of the Chief Commissioner under sub-section (*1*) shall be conclusive proof of the existence of percolation.

(*3*) If a person makes a well, lift or other irrigation-work within the limits defined by the Chief Commissioner under sub-section (*1*), any land irrigated from the well, lift or work may be assessed to water-revenue as if it were irrigated from the tank.

4. (*1*) With the previous sanction of the Governor General in Council, the Chief Commissioner may make rules to regulate the following matters, namely:— Power to make rules.

(*a*) the rates at which water-revenue is to be assessed, and the mode of assessment;

(*b*) the collection, suspension, remission and refund of water-revenue;

(*c*) the distribution of water of tanks, and the decision of disputes with respect thereto;

(*d*) the repairs of tanks, ducts and water-courses and of works connected therewith, and the incidence and payment of the cost of repairing water-courses, and of repairing such tanks and works connected therewith as in accordance with any engagement between the Government and any persons are required to be kept in repair by, or at the expense of, those persons;

(*e*) the requisition of, and the rates to be paid for, labour in cases of serious emergency threatening sudden and extensive public injury;

(*f*) the person by whom, and the time, place or manner at or in which, anything for the doing of which provision is made in any rule under this Regulation is to be done;

(*g*) the powers, duties and proceedings of any officer or other person who by any such rule is empowered or required to take action in any matter;

(*h*) the cases in which, the officers to whom, and the conditions subject to which orders passed under any such rule are to be appealable; and

(*i*) the exercise of the right of the Government to the exclusive use and control of the water of rivers and streams flowing in natural channels and of natural collections of water, in so far as the Chief Commissioner may deem the exercise of that right to be necessary for the purposes of this Regulation.

(*2*) In making a rule under this section the Chief Commissioner may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and that a person convicted of a breach of the rule a second time shall, in addition to being liable to fine, be liable to be deprived of the supply of water for irrigation for the current harvest or for the current and next succeeding harvests.

Recovery of water-revenue.

5. If any water-revenue, or any other sum payable under any rule under this Regulation, and not being a fine, remains unpaid after the day on which it becomes due, it may be recovered from the person primarily liable to pay it, or from his surety, if any, as if it were an arrear of land-revenue.

Jurisdiction of Civil Courts.

6. (*1*) A Civil Court may take cognizance of a suit to contest the title of the Government to the exclusive use and control of water to which section 5 of the Ajmere Land and Revenue Regulation, 1877,[a] relates, and to which II of 1877.

[a] Printed *supra*, p. 162.

any provision of this Regulation or of any rule thereunder has been applied, but shall not in any such suit make a decree or order affecting the supply of water to any crop sown or growing at the time of the decree or order.

(*2*) Save as provided by sub-section (*1*), a Civil Court shall not take cognizance of any claim in respect of anything done in pursuance of this Regulation or of any rule thereunder.

THE AJMERE GOVERNMENT WARDS REGULATION, 1888.

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REGULATION No. I OF 1888.

The Ajmere Government Wards Regulation.

(Received the assent of the Governor General on the 15th May, 1888, and published in the Gazette of India, 1888, Part I, p. 223.)

Preamble.

WHEREAS it is expedient to make better provision for the superintendence of Government wards in Ajmere and Merwara; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Regulation may be called the Ajmere Government Wards Regulation, 1888.

(*2*) It extends to the territories administered by the Chief Commissioner of Ajmere to which the provisions of the Statute 33 Victoria, Chapter 3, section 1,[a] have been declared applicable; and

(*3*) It shall come into force on the first day of July, 1888.

Repeal.

2. (*1*) Part V of the Ajmere Land and Revenue Regulation, 1877,[b] the portion of clause (*b*) of section 2 of that Regulation beginning with the words "and includes" and ending with the words "under this Regulation," and section 14 of Act XL of 1858[c] (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) are hereby repealed: I of 1877.

(*2*) But all orders made and proceedings taken under any of those enactments shall, so far as may be, be deemed to have been made and taken under this Regulation.

Definitions.

3. In this Regulation, unless there is something repugnant in the subject or context,—

(*1*) expressions used in the Ajmere Land and Revenue Regulation, 1877,[b] have the same meanings as they have in that Regulation: II of 1877.

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[a] Printed in the Collection of Statutes relating to India, Ed. 1881, Vol. II, p. 878.
[b] Printed *supra*, p. 160.
[c] The whole of Act XL of 1858 was repealed by Act VIII of 1890.

(*2*) "Government ward" means any person of whose property, or of whose person and property, the Court of Wards may for the time being have the superintendence under this Regulation: and

(*3*) "landholder" means an istimrardar, bhumia, jagirdar, muafidar, malguzar or assignee of revenue, and includes any person having an interest in an estate subject to the payment of the local rate under the Ajmere Rural Boards Regulation, 1886.[a]

VI of 1886.

4. The Commissioner shall be the Court of Wards.

Commissioner to be Court of Wards.

5. Every landholder shall be under the jurisdiction of the Court of Wards.

Landholder to be under jurisdiction of Court of Wards.

6. The Court of Wards may, with the previous sanction of the Chief Commissioner, assume the superintendence of the property of any landholder who is disqualified to manage his own property.

Superintendence by Court of Wards of property of disqualified landholder.

7. (*1*) The following persons shall, for the purposes of the last foregoing section, be deemed to be disqualified to manage their own property, namely:—

Cases in which landholder to be deemed disqualified.

(*a*) minors who have not guardians appointed for their property by will;

(*b*) persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs; and

(*c*) persons declared by the Chief Commissioner to be incapable of managing their own property—

(i) owing to any physical defect or infirmity;

(ii) owing to their having been convicted of a non-bailable offence and being unfitted by vice or bad character;

(iii) owing to their being females; or

(iv) on their own application.

(*2*) Every declaration made by the Chief Commissioner under clause (*c*) of sub-section (*1*) shall be final and shall not be questioned in any Civil Court.

8. When the Court of Wards assumes the superintendence of the property of a minor who has not a guardian appointed for his person by will, or of a person who has been adjudged by a competent Civil Court to be of unsound mind and incapable of managing his affairs, it may, with the previous sanction of the Chief Commissioner, assume the superintendence of his person also:

Superintendence by Court of Wards of person of disqualified landholder.

[a] Printed *supra*, p. 250.

Provided that nothing in this section shall authorise the Court of Wards to assume the superintendence of the person of a female who is married to a man of full age and is living under his protection.

Superintendence of Court of Wards not challengeable on ground that ward is not a landholder or minor.

9. When the Court of Wards has, with the previous sanction of the Chief Commissioner, assumed the superintendence of the property of any person; or of his person and property, its authority shall not be contested in any Civil Court on the ground that he was not or is not a landholder, or was not or is not a minor.

Appointment, etc., of managers by Court of Wards.

10. Subject to the rules made under this Regulation, the Court of Wards may appoint, suspend and remove a manager of the property of any Government ward under its superintendence, and may delegate to the manager all or any of its functions in relation to any property under this Regulation.

Liabilities, etc., of managers and other servants of Court of Wards.

11. (*1*) Every manager appointed by the Court of Wards shall,—

(*a*) unless he is the Collector or other revenue-officer, give such security as the Court thinks fit duly to account for what he receives in respect of the rents and profits of the property under his management;

(*b*) unless he is the Collector, be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties; and

(*c*) be responsible for any loss occasioned to the property under his management by his wilful default or gross negligence.

(*2*) Every manager or other servant of the Court of Wards shall be deemed a public servant within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code;[*] and, in the definition of "legal remuneration" contained in the said section 161, the word "Government" shall, for the purposes of this sub-section, be deemed to include the Court of Wards. XLV of 1860

Power for Court of Wards to appoint guardians of certain Government wards.

12. The Courts of Wards may appoint guardians for the care of the persons of Government wards whose persons are for the time being under its superintendence, and may control and remove guardians whom it has appointed.

General powers of Court of Wards.

13. Subject to the provisions of this Regulation and of the rules made under this Regulation, the Court of Wards—

(*a*) may, of itself or through the manager (if any) appointed by it under

[*] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

this Regulation, do all such things requisite for the proper care and management of any property of which it assumes the superintendence under this Regulation as the owner of the property, if not disqualified, might do for its care and management; and

(*b*) may, of itself or through the guardian (if any) appointed by it under this Regulation, do in respect of the person of any Government ward, whose person is for the time being under its superintendence, all such things as may lawfully be done by a guardian.

Custody, education and residence of certain Government wards.

14. The Court of Wards may pass such orders as to it seem fit in respect of the custody and residence of any Government ward whose person is for the time being under its superintendence and, when he is a minor, in respect of his education.

Allowance for Government ward and his family.

15. The Court of Wards may, from time to time, determine what sums shall be allowed in respect of the expenses of any Government ward and of his family and dependents.

Duties of Court of Wards or manager.

16. The Court of Wards or the manager (if any) appointed by it under this Regulation shall manage the property of every Government ward under its superintendence or under his management diligently and faithfully for the benefit of the Government ward, and shall in every respect act to the best of its or his judgment for the Government ward's interest as if the property were its or his own.

Power of Court of Wards as to property of Government wards.

17. (*1*) Subject to the control of the Chief Commissioner under this Regulation and to the restrictions specified in this section, the Court of Wards may do all such acts as it may judge to be best for the benefit of the property of any Government ward under its superintendence and for the advantage of the ward.

(*2*) The restrictions referred to in sub-section (*1*) are the following, namely :—

(*a*) without the previous sanction of the Chief Commissioner, the Court of Wards shall not let the property of the ward or any part thereof for a longer term than five years, or sell, mortgage, charge or exchange the property or any part thereof; and

(*b*) without the previous sanction of the Chief Commissioner and of the Governor General in Council, the Court of Wards shall not borrow any money whatever where the debts due from the ward, or the sums secured by incumbrances on his property, or such debts and sums combined, exceed ten thousand rupees, or borrow any sum exceeding five thousand rupees in any other case.

Manager or Court of Wards to be next friend or guardian in suits by or against Government wards.

18. In every suit brought by or against a Government ward the manager of the ward's property or, if there is no manager, the Court of Wards shall be named as next friend or guardian for the suit, as the case may be.

Payment of costs.

19. If, in any suit brought by or against a Government ward, any Civil Court decrees any costs against the ward's next friend or guardian for the suit, the Court of Wards shall pay the costs so far as the ward's property for the time being in its hands may be sufficient for the payment thereof.

Processes against Government wards to be served on next friend or guardian.

20. Every process which may be issued out of any Civil Court against any Government ward shall be served on the ward's next friend or guardian for the suit.

Authority of Court of Wards required in case of suits brought on behalf of Government wards.

21. No suit shall be brought on behalf of any Government ward unless it is authorized by some order of the Court of Wards:

Provided as follows:—

(*a*) a manager may authorize a plaint to be filed in order to prevent a suit from being barred by the law of limitation, but the suit shall not afterwards be proceeded with except under the sanction of the Court of Wards;

(*b*) a suit for arrears of rent may be brought on behalf of a Government ward if authorized by an order of the manager of the property on which the rent is due.

Disabilities of a Government ward.

22. (*1*) A Government ward shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof, or to enter into any contract which may involve him in pecuniary liability.

(*2*) Nothing in this section shall be deemed to affect the capacity of a Government ward to enter into a contract of marriage:

Provided that he shall not incur, in connection therewith, any pecuniary liability except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the Court of Wards may, in writing, declare to be reasonable.

Procedure when succession to Government ward's property is disputed.

23. Whenever, on the death of any Government ward, the succession to his property or any part thereof is disputed, the Court of Wards may either make over the property or part thereof to any person claiming the same, or retain the superintendence thereof until one of the claimants has established his claim in a competent Civil Court.

24. (*1*) The Court of Wards may, with the previous sanction of the Chief Commissioner, at any time withdraw its superintendence from the person or property, or both, of a Government ward, and shall withdraw its superintendence as soon as— Withdrawal of superintendence of Court of Wards.

(*a*) in the case of a person disqualified under clause (*a*) of sub-section (*1*) of section 7, he attains his majority;

(*b*) in the case of a person disqualified under clause (*b*) of that sub-section, he ceases to be of unsound mind and incapable of managing his affairs; and

(*c*) in the case of a person disqualified under sub-clause (i) of clause (*c*) of that sub-section, his physical defect or infirmity is removed or ceases.

(*2*) When any question arises whether the superintendence of the Court of Wards should be withdrawn from any person or property, or both, under clause (*a*), or from any property under clause (*c*), of this section, the decision of the Chief Commissioner thereon shall be final and shall not be questioned in any Civil Court.

25. An appeal shall lie from every order of the Court of Wards under this Regulation to the Chief Commissioner. Appeals.

26. All orders or proceedings of the Court of Wards under this Regulation shall be subject to the supervision and control of the Chief Commissioner; and the Chief Commissioner may, if he thinks fit, revise, modify or reverse any such order or proceeding whether an appeal is presented against the order or proceeding or not. Control of Chief Commissioner.

27. The exercise of any discretion conferred on the Court of Wards or the Chief Commissioner by this Regulation shall not be called in question in any Civil Court. Exercise of discretion not to be questioned in Civil Court.

28. (*1*) The Chief Commissioner may make rules consistent with this Regulation to— Power for Chief Commissioner to make rules.

(*a*) prescribe the matters to which regard is to be had in appointing or removing guardians and managers and in fixing their remuneration;

(*b*) regulate the amount of security to be given by managers;

(*c*) limit the functions which the Court of Wards may delegate to any manager;

(*d*) prescribe the mode in which functions delegated to managers are to be notified for the information of persons concerned;

(*e*) prescribe the cases in which proposals or arrangements connected with the administration of the properties of Government wards are to be reported for the sanction of the Chief Commissioner;

(*f*) prescribe the accounts and other returns which are to be rendered by managers to the Court of Wards and by the Court of Wards to the Chief Commissioner, and the time and form at and in which those accounts and returns are to be rendered;

(*g*) regulate the custody of securities and title-deeds belonging to the estate or relating to the property of a Government ward;

(*h*) regulate the procedure in inquiries by the Court of Wards and in appeals from orders of the Court of Wards under this Regulation;

(*i*) confer upon the Court of Wards for the purposes of this Regulation any of the powers which may be exercised by a Civil Court in the trial of suits; and,

(*j*) generally, prescribe the manner in which the powers and duties of the Court of Wards under this Regulation are to be exercised and performed.

(*2*) A rule under clause (*c*) of sub-section (*1*) shall not take effect until it has been published in the official Gazette with the previous sanction of the Governor General in Council.

(*3*) A rule under any other clause of that sub-section shall take effect on its being so published without such sanction.

REGULATION No. IX OF 1890.

A Regulation to amend the Ajmere Courts Regulation, 1877.

(*Received the assent of the Governor General on the 13th October, 1890, and published in the Gazette of India, 1890, Part I, p. 743.*)

Preamble.

WHEREAS it is expedient to amend the Ajmere Courts Regulation, 1877; I of 1877.

It is hereby enacted as follows:—

Addition to section 26, Regulation I of 1877.

1. To section 26 of the Ajmere Courts Regulation, 1877, the following shall be added, namely;

[Printed, *supra*, p. 152.]

REGULATION No. I OF 1892.

A Regulation for affording the aid of Government in the preservation of Woodlands and Grazing-grounds, not being State Forests, in Ajmere and Merwara.

(*Received the assent of the Governor General on the 8th March, 1892, and published in the Gazette of India, 1892, Part I, p. 142.*)

Preamble.

WHEREAS it is desirable in certain cases to provide for the preservation

of woodland and waste and grazing land, belonging or assigned to, or allotted for the use of, village and other proprietors in Ajmere and Merwara; It is hereby enacted as follows :—

Title, extent and commencement.

1. (*1*) This Regulation may be called the Ajmere and Merwara Private Forests Preservation Regulation, 1892.

(*2*) It applies to Ajmere and Merwara, and shall come into force on the first day of April, 1892.

CHAPTER I.

Definitions.

Definitions.

2. In this Regulation and in the rules made thereunder, unless there is something repugnant in the subject or context—

"tree" includes palms, bamboos, stumps and brushwood :

"estate-common" means all waste, village-forest, grazing-ground or other similar land being the property of any village-owner or estate-holder, or included as part of any village or estate at the last land-revenue settlement, or assigned or permanently allotted to any village or estate by whatever name it may be locally known or described. Every estate-common so owned, assigned or included or allotted is said to "belong" to such estate or village; and every person entitled to the beneficial use or enjoyment of such land in any village or estate is called a "commoner":

a "majority of commoners" means in the case of proprietors who pay land-revenue, or who would pay land-revenue but for an assignment of the same, such number as together pay (or would pay) three-fifths of the total assessment on the estate or village; and, in the case of tenants under an immediate proprietor other than the Government, it means such number as together hold more than half the total area of cultivated land.

CHAPTER II.

Protection of Estate-commons.

Power to apply Regulation VI of 1874 to estate-commons.

3. The Local Government, on the application, through the Collector, of the sole proprietor or a majority of the commoners of any estate-common, may, by notification in the local official Gazette, apply thereto or to any portion thereof all or any of the provisions of the Ajmere Forest Regulation,

1874,[a] for the protection of State forests; and may at any time cancel any such notification. VI of 1874.

Nomination or election of Forest-officer.

4. The sole proprietor or a majority of the commoners of an estate-common or portion of an estate-common under such protection as aforesaid may nominate or elect, subject to the approval of the Collector, any person to be the Forest-officer in charge thereof, and such officer may be invested by the Local Government with all or any of the powers of a Forest-officer under the Ajmere Forest Regulation, 1874,[a] subject to such control as it may think fit.

Power to make rules.

5. The Local Government may, on the application, through the Collector, of the sole proprietor or a majority of the commoners of any estate-common not under such protection as aforesaid, by notification in the local official Gazette, make rules for the preservation of all or any of the trees growing on such estate-common or any part thereof, and may in like manner direct that the breach of any such rule shall be punishable with fine, which may extend to fifty rupees.

REGULATION No. IX OF 1893.

A Regulation to repeal certain Obsolete Enactments and to amend certain other Enactments applying to Ajmere and Merwara.

(*Received the assent of the Governor General on the 16th August, 1893, and published in the Gazette of India, 1893, Part I, p. 481.*)

WHEREAS it is expedient that certain enactments specified in the first schedule to this Regulation which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Regulation;

It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Regulation may be called the Ajmere Repealing and Amending Regulation, 1893.

(*2*) It extends to the territories administered by the Chief Commissioner of Ajmere and subject to the provisions of the Statute 33 Victoria, Chapter 3, section 1;[b] and

(*3*) It shall come into force at once.

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[a] Printed *supra*, p. 140.
[b] Printed in the Collection of Statutes relating to India, Ed. 1881, Vol. II, p. 878.

2. (*1*) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof. Enactments in schedules repealed and amended respectively.

(*2*) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

3. The repeal by this Regulation of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to; Savings.

and this Regulation shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall the repeal by this Regulation of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

Regulations made under the Statute 33 Victoria, Chapter 3.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1877	I[a]	Ajmere Courts Regulation, 1877.	Sections 2, 3 and 40 and the schedule.
"	III[a]	Ajmere Laws Regulation, 1877.	The second schedule, so far as it relates to Bengal Regulations I of 1798, XVII of 1806, V of 1817 and VI of 1819. In the entry in the second schedule relating to Bengal Regulation XI of 1806, *the words and figures* and with the exception, in section VIII, of the words and figures 'under the rules prescribed by Regulation V of 1804."
1879	I	Salt	The whole.

[a] Printed *supra*, Part III.

THE FIRST SCHEDULE—*continued.*

Regulations made under the Statute 33 Victoria, Chapter 3—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1886	V[a]	Ajmere Municipalities Regulation, 1886.	Section 1, sub-section (*4*). Section 5, *from and inclusive of the words* and shall *to the end.* Section 8, clause (*b*). In section 163, *the words and figures* or the North-Western Provinces and Oudh Municipalities Act, 1873, *the words* or that Act, *and the words* or the Act, as the case may be.

THE SECOND SCHEDULE.

Regulations made under the Statute 33 Victoria, Chapter 3.

1	2	3	4
Year.	No.	Title.	Amendment.
1877	I[a]	Ajmere Courts Regulation, 1877.	In section 12, *for* sections twenty-three and thirty-three *read* section twenty-three. In section 23, *for* the proviso, *read* Provided that references under Chapter XLVI of the Code of Civil Procedure or under section 11 of the Provincial Small Cause Courts Act, 1887, shall be made, not to the Chief Commissioner, but to the High Court of Judicature for the North-Western Provinces.
"	II[a]	Ajmere Land and Revenue Regulation, 1877.	In sections 112 and 113, *for* Rajputana *read* Official.
1886	V[a]	Ajmere Municipalities Regulation, 1886.	In section 8, clause (*c*), *for* clauses (*a*) and (*b*) *read* clause (*a*). In sections 37 and 38, *for* Government Civil Pension and Leave Codes *and* in section 38 *for* Government Civil Pension Code, *read* Civil Service Regulations.
"	VI[a]	Ajmere Rural Boards Regulation, 1886.	In sections 15 and 16, *for* Government Civil Pension and Leave Codes *read* Civil Service Regulations.

[a] Printed *supra*, Part III.

APPENDIX.

ENACTMENTS DECLARED IN FORCE IN, OR EXTENDED TO, AJMERE-MERWARA BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874.[a]

[The Chief Commissionership of Ajmere and Merwara is a Scheduled District—see the Scheduled Districts Act, 1874[a], First Schedule, Part IX—and the Act was brought into force by Notification No. 169J., dated the 19th October, 1877 (published in the Gazette of India, 1877, Part I, page 605), which runs as follows:—"In exercise of the power conferred by section 3 of Act XIV of 1874 [a] (the Scheduled Districts Act), the Officiating Chief Commissioner of Ajmere and Merwara is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in the Scheduled District of Ajmere and Merwara.]"

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
		Acts of the Governor General in Council.		
1850	XII [b]	Public Accountants.	Extended	*The 21st June 1878.* *No. 73-J.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Officiating Chief Commissioner of Ajmere and Merwara is pleased, with the previous sanction of the Governor General in Council, to extend the Acts mentioned in the first column of the Schedule hereto annexed to the Scheduled District of Ajmere and Merwara:— (Here follows the Schedule referred to, which contains, among other Acts, Act XII of 1850.) [See Gazette of India, 1878, Pt. I, p. 380; Rajputana Official Gazette, 1878, p 144.]

[a] Printed, General Acts, 1867-76, Ed. 1887.
[b] Printed, General Acts, 1834-66, Ed. 1887.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
		Acts of the Governor General in Council—contd.		
1850	XVIII [a]	Protection of Judicial Officers.	Extended .	[See Notification No. 73-J., dated 21st June, 1878, *supra*, p. i.]
1858	XXXIV [a]	State Prisoners .	Ditto . .	Ditto.
	III [a]	Ditto .	Ditto . .	*The 9th February, 1887.* *No. 132-7.*—In continuation of Notification No. 73-J., dated the 21st June, 1878, and in exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, the Chief Commissioner of Ajmere and Merwara is pleased, with the previous sanction of the Governor General in Council, to extend Act III of 1858 (*an Act to amend the law relating to the arrest and detention of State Prisoners*) to the Scheduled District of Ajmere and Merwara. [See Gazette of India, 1887, Pt. II, p. 78.]
„	XXXV [a]	Lunacy, Mufassal Courts.	Ditto . .	[See Notification No. 73-J., dated 21st June, 1878, *supra*, p. i.
„	XXXVI [a]	Lunatic Asylums	Ditto . .	Ditto.
„	XL [b]	*Minors* . .	*Ditto* . .	*The 7th January, 1881.* *No. 5 I.-J.—In exercise of the powers conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Ajmere and Merwara is pleased, with the previous sanction of the Governor General in Council, to extend Act XL of 1858 (an Act for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal) to the Scheduled District of Ajmere and Merwara.* [*See Gazette of India, 1881, Pt. I, p. 11.*]

[a] Printed, General Acts, 1834-66, Ed. 1887.
[b] Act XL of 1858 was repealed by Act VIII of 1890.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
		Acts of the Governor General in Council—contd.		
1860	XXI[a]	Registration of Societies.	Extended . .	[See Notification No. 73-J., dated 21st June, 1878, *supra*, p. i.]
"	XXVII[b]	*Collection of Debts on Succession.*	*Ditto* . .	*The 19th October, 1877.* *No. 171-J.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Officiating Chief Commissioner of Ajmere and Merwara is pleased, with the previous sanction of the Governor General in Council, to extend the undermentioned Acts to the Scheduled District of Ajmere and Merwara:— (Here follows a list of the Acts, which contains, among others, Act XXVII of 1860.) [See Gazette of India, 1877, Pt. I, p. 605; Rajputana Official Gazette, 1877, p. 237.
1863	XX[a]	Religious Endowments.	Ditto . .	[See Notification No. 171J., dated 19th October, 1877, *supra*.]
1865	III[a]	Common Carriers	Ditto . .	Ditto.
"	XI[c]	*Mufassal Small Cause Courts (except the sections repealed by Act X of 1877).*	*Ditto* . .	*Ditto.*
"	XXI[a]	Intestate Succession, Parsis.	Declared in force .	*The 21st June, 1878.* *No. 72-J.*—In exercise of the power conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act), the Officiating Chief Commissioner of Ajmere and Merwara is pleased, with the previous sanction of the Governor General in Council, to declare that the undermentioned Acts are in force in the Scheduled District of Ajmere and Merwara:— No. XXI of 1865 (Parsi Intestate Succession Act). No. XXIII of 1870 (Coinage). [See Gazette of India, 1878, Pt. I, p. 380; Rajputana Official Gazette, 1878, p. 144.]

[a] Printed, General Acts, 1834-66, Ed. 1887.
[b] Act XXVII of 1860 was repealed by Act VII of 1889.
[c] Act XI of 1865 was repealed by Act IX of 1887, printed, General Acts, 1865-86, Ed. 1889.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
		Acts of the Governor General in Council—contd.		
1866	X[a]	*Companies* . .	*Extended* .	[See Notification No. 73-J., dated 21st June, 1878, *supra*, p. i.]
1869	XV[b]	Prisoners' Testimony.	Ditto . .	Ditto.
1870	XXIII[c]	Coinage . .	Declared in force .	[See Notification No. 72-J., dated 21st June, 1878, *supra*, p. iii.]
1871	XXVII[d]	Criminal Tribes .	Extended . .	[See Notification No. 171-J., dated 19th October, 1877, *supra*, p. iii.]
1873	XV[e]	*Municipalities* .	*Ditto* . .	*Ditto.*
1875	XV[d]	Village Watchmen.	Ditto (with the necessary verbal alteration for application to Ajmere-Merwara instead of to the Punjab).	Ditto.
1877	X[f]	*Code of Civil Procedure (except sections 1 and 3).*	*Ditto* . .	*Ditto.*
1879	XII[g]	*Amending Code of Civil Procedure, &c. (except so much as amends the Indian Registration and Limitation Acts, 1877).*	*Ditto* . .	*The 30th December, 1880.* *No. 212 I.-J.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Chief Commissioner of Ajmere and Merwara is pleased, with the previous sanction of the Governor General in Council, to extend to the Scheduled District of Ajmere-Merwara Act XII of 1879 (an Act to amend the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877), except so much as amends the Indian*

[a] Act X of 1866 was repealed by Act VI of 1882, printed, General Acts, 1882, Pt I, Ed. 1885.
[b] Printed, General Acts, 1867-76, Ed. 1887.
[c] For Act XXIII of 1870 see the revised edition, as modified up to 27th June, 1893, published by the Legislative Department.
[d] Printed, *supra*, Part II.
[e] Act XV of 1873 is repealed in Ajmere-Merwara by Regulation V of 1886, s. 17, printed *supra*, Part III.
[f] Act X of 1877 was repealed by Act XIV of 1882. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)
[g] Act XII of 1879, so far as it amended the Code of Civil Procedure, was repealed by Act XIV of 1882.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
		Acts of the Governor General in Council—contd.		
				Registration Act, 1877, and the Indian Limitation Act, 1877, which is already in force in that District. [*See Gazette of India, 1881, Pt. I, p. 2.*]
1882	XIV [a]	Code of Civil Procedure (except sections 1 and 3).	Extended .	*The 28th July, 1882.* *No. 289 I.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Officiating Chief Commissioner of Ajmere and Merwara is pleased, with the previous sanction of the Governor General in Council, to extend Act XIV of 1882 (the Code of Civil Procedure), except sections 1 and 3, which are already in force in that district, to the Scheduled District of Ajmere and Merwara. [See Gazette of India, 1882, Pt. I, p. 289.]
1883	XIX [b]	Land Improvement Loans.	Ditto .	*The 20th March, 1886.* *No. 273—115-II.*—In exercise of the powers conferred by section 5, Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Ajmere-Merwara is pleased, with the previous sanction of the Governor-General in Council, to extend Act XIX of 1883 (the Land Improvement Loans Act) to the Scheduled District of Ajmere-Merwara, with effect from the 1st of January, 1886. [See Gazette of India, 1886, Pt. II, p. 157.]
1888	VII [c]	Amending Code of Civil Procedure (except ss. 65 and 66).	Ditto .	*The 22nd April, 1889.* *No. 453-7-4.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, XIV of 1874, the

[a] For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1898, published by the Legislative Department.
[b] Printed, General Acts, 1882-84, Pt. II, Ed. 1885.
[c] Printed, General Acts, 1885-88, Ed. 1889.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
		Acts of the Governor General in Council—concld.		
				Chief Commissioner of Ajmere-Merwara is pleased, with the previous sanction of the Governor-General in Council, to extend the undermentioned enactments to the Scheduled District of Ajmere-Merwara :— (1) The Civil Procedure Code Amendment Act, VII of 1888, except sections 65 and 66, which are already in force in that district; and (2) Sections 1 and 3 of Act X of 1888 (amending the Code of Civil Procedure). [See Gazette of India, 1889, Pt. II, p. 220.]
1888	X [a]	Amending Code of Civil Procedure (ss. 1 and 3).	Extended . .	Ditto.

[a] Printed, General Acts, 1885-88, Ed. 1889.

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